H.R. 2653. A bill for the relief of Constantina Dina Koudounis; to the Committee on the Judiciary.

H.R. 2654. A bill for the relief of Vlado Parojcic; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 2655. A bill for the relief of Mrs. Pamela Gough Walker; to the Committee on the Judiciary.

H.R. 2656. A bill for the relief of Capt. Leon B. Ketchum; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H.R. 2657. A bill for the relief of Mrs. Milica Mihich (nee Milica Dedijer); to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 2658. A bill for the relief of C. W. Jones; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 2659. A bill for the relief of Mrs. Jane R. Moore; to the Committee on the Judiciary.

By Mr. KORNEGAY:

H.R. 2660. A bill for the relief of Margrit Binder; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H.R. 2661. A bill for the relief of Benedicto Villanueva Delos Santos; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 2662. A bill for the relief of Rosario Saporito; to the Committee on the Judiciary.

H.R. 2663. A bill to authorize the award of a Medal of Honor to Alfred C. Petty, U.S. Army; to the Committee on the Armed Services.

By Mr. MACHROWICZ:

H.R. 2664. A bill for the relief of Mrs. Irena Ratajczak; to the Committee on the Judiciary.

By Mr. CLEM MILLER:

H.R. 2665. A bill for the relief of Mrs. Liesel (Emmerich) Kohen; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 2666. A bill for the relief of Adelina Rosasco; to the Committee on the Judiciary.

H.R. 2667. A bill for the relief of Ante Tonic (Tunic), his wife, Elizabeth Tunic, and their two minor children, Ante Tunic, Jr., and Joseph Tunic; to the Committee on the Judiciary.

By Mr. OSMERS:

H.R. 2668. A bill for the relief of Hedwig Berthold Schmidt; to the Committee on the Judiciary.

By Mr. OSTERTAG:

H.R. 2669. A bill for the relief of Maria Rosa Agostini; to the Committee on the Judiciary.

By Mr. PIKE:

H.R. 2670. A bill for the relief of Luisito P. Guanlao; to the Committee on the Judiciary.

H.R. 2671. A bill for the relief of Giovanna Bonavita; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 2672. A bill for the relief of Sonia Maria Smith; to the Committee on the Judiciary.

By Mr. RABAUT:

H.R. 2673. A bill for the relief of John A. Dutka; to the Committee on the Judiciary.

H.R. 2674. A bill for the relief of Eva Nowik; to the Committee on the Judiciary.

By Mr. RAINS:

H.R. 2675. A bill for the relief of Santa Giamalva; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 2676. A bill for the relief of Bernhard F. Elmers; to the Committee on the Judiciary.

H.R. 2677. A bill for the relief of Peter A. Langro; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H.R. 2678. A bill for the relief of Miss Johanna Machtilda Persoon; to the Committee on the Judiciary.

By Mr. SAUND:

H.R. 2679. A bill for the relief of J. Eufracio Nunez Armenta (also known as Jose Contreras Sierra); to the Committee on the Judiciary.

H.R. 2680. A bill for the relief of Joseph Albert De Coster; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.R. 2681. A bill for the relief of Terata Kiyoshi Johnston; to the Committee on the Judiciary.

By Mr. SELDEN:

H.R. 2682. A bill for the relief of Christine Kligge; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 2683. A bill for the relief of Richard W. Dunn; to the Committee on the Judiciary.

H.R. 2684. A bill for the relief of Mohan Singh; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 2685. A bill to provide for the conveyance of certain real property of the United States; to the Committee on Government Operations.

By Mr. TOLL:

H.R. 2686. A bill for the relief of Louis J. Rosenstein; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 2687. A bill for the relief of Miss Helen Fappiano; to the Committee on the Judiciary.

By Mr. WESTLAND:

H.R. 2688. A bill for the relief of Nella Sophia Boltz; to the Committee on the Judiciary.

H.R. 2689. A bill for the relief of Julio Pineiro-Vasquez; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 2690. A bill for the relief of Evangelina Kotake; to the Committee on the Judiciary.

By Mr. ANFUSO:

H. Con. Res. 82. Concurrent resolution commending Mrs. Ada Rogers Wilson, of Texas, as the author of the musical composition entitled "America Victory! America Liberty"; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

31. By Mr. COHELAN: Petition with approximately 200 additional signatures to a petition filed January 6, 1961, by Robert and Ruth Sicular, and others, East Bay Community Forum for Civil Liberties, Berkeley, Calif., requesting the abolishment of the House Committee on Un-American Activities; to the Committee on Rules.

32. By Mr. KOWALSKI: Petition of the mayor and board of councilmen of the city of Torrington, Conn., pointing out the economic problems faced in that area and urging that additional defense contracts be channeled to plants there; to the Committee on Armed Services.

33. By Mr. SCHNEEBELI: Petition of Pomona Grange No. 23, Bradford-Sullivan Counties, Pa., favoring the election of a President and Vice President by popular vote; to the Committee on the Judiciary.

SENATE

FRIDAY, JANUARY 13, 1961

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, Thou hast made us in Thine image and likeness, and hast implanted within us deep desires which the material world can never satisfy.

We are conscious, as we come, that Thou needest no sacrifice our hands can bring, or any offering of praise our lips can frame; but because we live in Thy world and share Thy bounty, because we breathe Thine air and Thy power sustains us, because Thy goodness and mercy follow us all our days, and Thy love blesses us continually, we magnify Thy glorious name.

Lead us in the stress and strain of this new day upon which we have entered, and of the new week soon to dawn, when in the national life there comes the changing of the guard. Hear the fervent prayer of our heart: "America, America, God shed His grace on thee." Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of Wednesday, January 11, 1961, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 1)

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States on the state of the Union.

Mr. MANSFIELD. Mr. President, in view of the fact that the message of the President on the state of the Union was read in the House on yesterday, and appears in the RECORD of yesterday, I ask unanimous consent that it be printed in the RECORD today without its being read.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The message is as follows:

To the Congress of the United States:

Once again it is my constitutional duty to assess the state of the Union.

On each such previous occasion during these past 8 years I have outlined a forward course designed to achieve our mutual objective—a better America in a world of peace. This time my function is different.

The American people, in free election, have selected new leadership which soon will be entrusted with the management of our Government. A new President shortly will lay before you his proposals to shape the future of our great land. To him, every citizen, whatever his political beliefs, prayerfully extends best wishes for good health and for wisdom and success in coping with the problems that confront our Nation.

For my part, I should like, first, to express to you of the Congress, my appreciation of your devotion to the common good and your friendship over these difficult years. I will carry with me pleasant memories of this association in endeavors profoundly significant to all our people.

We have been through a lengthy period in which the control over the executive

and legislative branches of government has been divided between our two great political parties. Differences, of course, we have had, particularly in domestic affairs. But in a united determination to keep this Nation strong and free and to utilize our vast resources for the advancement of all mankind, we have carried America to unprecedented heights.

For this cooperative achievement I thank the American people and those in the Congress of both parties who have supported programs in the interest of our country.

I should also like to give special thanks for the devoted service of my associates in the executive branch and the hundreds of thousands of career employees who have implemented our diverse Government programs.

My second purpose is to review briefly the record of these past 8 years in the hope that, out of the sum of these experiences, lessons will emerge that are useful to our Nation. Supporting this review are detailed reports from the several agencies and departments, all of which are now or will shortly be available to the Congress.

Throughout the world the years since 1953 have been a period of profound change. The human problems in the world grow more acute hour by hour; yet new gains in science and technology continually extend the promise of a better life. People yearn to be free, to govern themselves; yet a third of the people of the world have no freedom, do not govern themselves. The world recognizes the catastrophic nature of nuclear war; yet it sees the wondrous potential of nuclear peace.

During the period, the United States has forged ahead under a constructive foreign policy. The continuing goal is peace, liberty, and well-being—for others as well as ourselves. The aspirations of all peoples are one—peace with justice in freedom. Peace can only be attained collectively as people everywhere unite in their determination that liberty and well-being come to all mankind.

Yet while we have worked to advance national aspirations for freedom, a divisive force has been at work to divert that aspiration into dangerous channels. The Communist movement throughout the world exploits the natural striving of all to be free and attempts to subjugate men rather than free them. These activities have caused and are continuing to cause grave troubles in the world.

Here at home these have been times for careful adjustment of our economy from the artificial impetus of a hot war to constructive growth in a precarious peace. While building a new economic vitality without inflation, we have also increased public expenditures to keep abreast of the needs of a growing population and its attendant new problems, as well as our added international responsibilities. We have worked toward these ends in a context of shared responsibility—conscious of the need for maximum scope to private effort and for State and local, as well as Federal, governmental action.

Success in designing and executing national purposes, domestically and abroad, can only come from a steadfast resolution that integrity in the operation of government and in our relations with each other be fully maintained. Only in this way could our spiritual goals be fully advanced.

FOREIGN POLICY

On January 20, 1953, when I took office, the United States was at war. Since the signing of the Korean armistice in 1953, Americans have lived in peace in highly troubled times.

During the 1956 Suez crisis, the U.S. Government strongly supported United Nations action—resulting in the ending of the hostilities in Egypt.

Again in 1958, peace was preserved in the Middle East despite new discord. Our Government responded to the request of the friendly Lebanese Government for military help, and promptly withdrew American forces as soon as the situation was stabilized.

In 1958 our support of the Republic of China during the all-out bombardment of Quemoy restrained the Communist Chinese from attempting to invade the offshore islands.

Although, unhappily, Communist penetration of Cuba is real and poses a serious threat, Communist dominated regimes have been deposed in Guatemala and Iran. The occupation of Austria has ended and the Trieste question has been settled.

Despite constant threats to its integrity, West Berlin has remained free.

Important advances have been made in building mutual security arrangements—which lie at the heart of our hopes for future peace and security in the world. The Southeast Asia Treaty Organization has been established; the NATO alliance has been militarily strengthened; the Organization of American States has been further developed as an instrument of inter-American cooperation; the Anzus treaty has strengthened ties with Australia and New Zealand, and a mutual security treaty with Japan has been signed. In addition, the Cento pact has been concluded, and while we are not officially a member of this alliance we have participated closely in its deliberations.

The atoms-for-peace proposal to the United Nations led to the creation of the International Atomic Energy Agency. Our policy has been to push for enforcible programs of inspection against surprise attack, suspension of nuclear testing, arms reduction, and peaceful use of outer space.

The United Nations has been vigorously supported in all of its actions, including the condemnations of the wholesale murder of the people of Tibet by the Chinese Communists and the brutal Soviet repression of the people of Hungary, as well as the more recent U.N. actions in the Congo.

The United States took the initiative in negotiating the significant treaty to guarantee the peaceful use of vast Antarctica.

The U.S. Information Agency has been transformed into a greatly improved medium for explaining our policies and actions to audiences overseas, answering the lies of Communist propaganda, and projecting a clearer image of American life and culture.

Cultural, technological and educational exchanges with the Soviet Union have been encouraged, and a comprehensive agreement was made which authorized, among other things, the distribution of our Russian language magazine Amerika and the highly successful American exhibition in Moscow.

This country has continued to withhold recognition of Communist China and to oppose vigorously the admission of this belligerent and unrepentant nation into the United Nations. Red China has yet to demonstrate that it deserves to be considered a "peace-loving" nation.

With Communist imperialism held in check, constructive actions were undertaken to strengthen the economies of free world nations. The U.S. Government has given sturdy support to the economic and technical assistance activities of the U.N. This country stimulated a doubling of the capital of the World Bank and a 50-percent capital increase in the International Monetary Fund. The Development Loan Fund and the International Development Association were established. The United States also took the lead in creating the Inter-American Development Bank.

Vice President NIXON, Secretaries of State Dulles and Herter and I traveled extensively through the world for the purpose of strengthening the cause of peace, freedom, and international understanding. So rewarding were these visits that their very success became a significant factor in causing the Soviet Union to wreck the planned Summit Conference of 1960.

These vital programs must go on. New tactics will have to be developed, of course, to meet new situations, but the underlying principles should be constant. Our great moral and material commitments to collective security, deterrence of force, international law, negotiations that lead to self-enforcing agreements, and the economic interdependence of free nations should remain the cornerstone of a foreign policy that will ultimately bring permanent peace with justice in freedom to all mankind. The continuing need of all free nations today is for each to recognize clearly the essentiality of an unbreakable bond among themselves based upon a complete dedication to the principles of collective security, effective cooperation and peace with justice.

NATIONAL DEFENSE

For the first time in our Nation's history we have consistently maintained in peacetime, military forces of a magnitude sufficient to deter and if need be to destroy predatory forces in the world.

Tremendous advances in strategic weapons systems have been made in the past 8 years. Not until 1953 were expenditures on long-range ballistic missile programs even as much as a million dollars a year; today we spend 10 times as much each day on these programs as was spent in all of 1952.

No guided ballistic missiles were operational at the beginning of 1953. Today many types give our Armed Forces unprecedented effectiveness. The ex-

plosive power of our weapons systems for all purposes is almost inconceivable.

Today the United States has operational Atlas missiles which can strike a target 5,000 miles away in a half hour. The Polaris weapons system became operational last fall and the Titan is scheduled to become so this year. Next year, more than a year ahead of schedule, a vastly improved ICBM, the solid propellant Minuteman, is expected to be ready.

Squadrons of accurate intermediate range ballistic missiles are now operational. The Thor and Jupiter IRBM's based in forward areas can hit targets 1,500 miles away in 18 minutes.

Aircraft which fly at speeds faster than sound were still in a developmental stage 8 years ago. Today American fighting planes go twice the speed of sound. And either our B–58 medium range jet bomber or our B–52 long range jet bomber can carry more explosive power than was used by all combatants in World War II—Allies and Axis combined.

Eight years ago we had no nuclear-powered ships. Today 49 nuclear warships have been authorized. Of these, 14 have been commissioned, including 3 of the revolutionary Polaris submarines. Our nuclear submarines have cruised under the North Pole and circumnavigated the earth while submerged. Sea warfare has been revolutionized, and the United States is far and away the leader.

Our tactical air units overseas and our aircraft carriers are alert; Army units, guarding the frontiers of freedom in Europe and the Far East, are in the highest state of readiness in peacetime history; our marines, a third of whom are deployed in the Far East, are constantly prepared for action; our Reserve establishment has maintained high standards of proficiency, and the Ready Reserve now number over 2½ million citizen-soldiers.

The Department of Defense, a young and still evolving organization, has twice been improved and the line of command has been shortened in order to meet the demands of modern warfare. These major reorganizations have provided a more effective structure for unified planning and direction of the vast Defense Establishment. Gradual improvements in its structure and procedures are to be expected.

U.S. civil defense and nonmilitary defense capacity has been greatly strengthened and these activities have been consolidated in one Federal agency.

The defense forces of our allies now number 5 million men, several thousand combatant ships, and over 25,000 aircraft. Programs to strengthen these allies have been consistently supported by the administration. U.S. military assistance goes almost exclusively to friendly nations on the rim of the Communist world. This American contribution to nations who have the will to defend their freedom, but insufficient means, should be vigorously continued. Combined with our allies, the free world now has a far stronger shield than we could provide alone.

Since 1953, our defense policy has been based on the assumption that the international situation would require heavy defense expenditures for an indefinite period to come, probably for years. In this protracted struggle, good management dictates that we resist overspending as resolutely as we oppose underspending. Every dollar uselessly spent on military mechanisms decreases our total strength and, therefore, our security. We must not return to the crash-program psychology of the past when each new feint by the Communists was responded to in panic. The bomber gap of several years ago was always a fiction, and the missile gap shows every sign of being the same.

The Nation can ill afford to abandon a national policy which provides for a fully adequate and steady level of effort, designed for the long pull; a fast adjustment to new scientific and technological advances; a balanced force of such strength as to deter general war, to effectively meet local situations and to retaliate to attack and destroy the attacker; and a strengthened system of free world collective security.

THE ECONOMY

The expanding American economy passed the half-trillion dollar mark in gross national product early in 1960. The Nation's output of goods and services is now nearly 25 percent higher than in 1952.

In 1959, the average American family had an income of $6,520, 15 percent higher in dollars of constant buying power than in 1952, and the real wages of American factory workers have risen 20 percent during the past 8 years. These facts reflect the rising standard of individual and family well-being enjoyed by Americans.

Our Nation benefits also from a remarkable improvement in general industrial peace through strengthened processes of free collective bargaining. Time lost since 1952 because of strikes has been half that lost in the 8 years prior to that date. Legislation now requires that union members have the opportunity for full participation in the affairs of their unions. The administration supported the Landrum-Griffin Act, which I believe is greatly helpful to the vast bulk of American labor and its leaders, and also is a major step in getting racketeers and gangsters out of labor-management affairs.

The economic security of working men and women has been strengthened by an extension of unemployment insurance coverage to 2.5 million ex-servicemen, 2.4 million Federal employees, and 1.2 million employees of small businesses, and by a strengthening of the Railroad Unemployment Insurance Act. States have been encouraged to improve their unemployment compensation benefits, so that today average weekly benefits are 40 percent higher than in 1953.

Determined efforts have improved workers' safety standards. Enforceable safety standards have been established for longshoremen and ship repair workers; Federal safety councils have been increased from 14 to over 100; safety awards have been initiated, and a national construction safety program has been developed.

A major factor in strengthening our competitive enterprise system, and promoting economic growth, has been the vigorous enforcement of antitrust laws over the last 8 years and a continuing effort to reduce artificial restraints on competition and trade and enhance our economic liberties. This purpose was also significantly advanced in 1953 when, as one of the first acts of this administration, restrictive wage and price controls were ended.

An additional measure to strengthen the American system of competitive enterprise was the creation of the Small Business Administration in 1953 to assist existing small businesses and encourage new ones. This agency has approved over $1 billion in loans, initiated a new program to provide long-term capital for small businesses, aided in setting aside $3½ billion in Government contracts for award to small business concerns, and brought to the attention of individual businessmen, through programs of information and education, new developments in management and production techniques. Since 1952, important tax revisions have been made to encourage small businesses.

Many major improvements in the Nation's transportation system have been made:

After long years of debate, the dream of a great St. Lawrence Seaway, opening the heartland of America to ocean commerce, has been fulfilled.

The new Federal Aviation Agency is fostering greater safety in air travel.

The largest public construction program in history—the 41,000-mile National System of Interstate and Defense Highways—has been pushed rapidly forward. Twenty-five percent of this system is now open to traffic.

Efforts to help every American build a better life have included also a vigorous program for expanding our trade with other nations. A 4-year renewal of the Reciprocal Trade Agreements Act was passed in 1958, and a continuing and rewarding effort has been made to persuade other countries to remove restrictions against our exports. A new export expansion program was launched in 1960, inaugurating improvement of export credit insurance and broadening research and information programs to awaken Americans to business opportunities overseas. These actions and generally prosperous conditions abroad have helped push America's export trade to a level of $20 billion in 1960.

Although intermittent declines in economic activity persist as a problem in our enterprise system, recent downturns have been moderate and of short duration. There is, however, little room for complacency. Currently our economy is operating at high levels, but unemployment rates are higher than any of us would like, and chronic pockets of high unemployment persist. Clearly, continued sound and broadly shared economic growth remains a major national objective toward which we must strive through joint private and public efforts.

If government continues to work to assure every American the fullest

opportunity to develop and utilize his ability and talent, it will be performing one of its most vital functions, that of advancing the welfare and protecting the dignity, rights, and freedom of all Americans.

GOVERNMENT FINANCE AND ADMINISTRATION

In January 1953, the consumer's dollar was worth only 52 cents in terms of the food, clothing, shelter, and other items it would buy compared to 1939. Today, the inflationary spiral which had raised the cost of living by 36 percent between 1946 and 1952 has all but ceased and the value of the dollar virtually stabilized.

In 1954 we had the largest tax cut in history, amounting to $7.4 billion annually, of which over 62 percent went to individuals mostly in the small income brackets.

This administration has directed constant efforts toward fiscal responsibility. Balanced budgets have been sought when the economy was advancing, and a rigorous evaluation of spending programs has been maintained at all times. Resort to deficit financing in prosperous times could easily erode international confidence in the dollar and contribute to inflation at home. In this belief, I shall submit a balanced budget for fiscal 1962 to the Congress next week.

There has been a firm policy of reducing Government competition with private enterprise. This has resulted in the discontinuance of some 2,000 commercial industrial installations and in addition the curtailment of approximately 550 industrial installations operated directly by Government agencies.

Also an aggressive surplus disposal program has been carried on to identify and dispose of unneeded Government-owned real property. This has resulted in the addition of a substantial number of valuable properties to local tax rolls, and a significant monetary return to the Government.

Earnest and persistent attempts have been made to strengthen the position of State and local governments and thereby to stop the dangerous drift toward centralization of governmental power in Washington.

Significant strides have been made in increasing the effectiveness of government. Important new agencies have been established, such as the Department of Health, Education, and Welfare, the Federal Aviation Agency, and the National Aeronautics and Space Administration. The Council of Economic Advisers was reconstituted.

The operation of our postal system has been modernized to get better and more efficient service. Modernized handling of local mail now brings next-day delivery to 168 million people in our population centers, expanded carrier service now accommodates 9.3 million families in the growing suburbs, and 1.4 million families have been added to the rural delivery service. Commonsense dictates that the postal service should be on a self-financing basis.

The concept of a trained and dedicated government career service has been strengthened by the provision of life and health insurance benefits, a vastly improved retirement system, a new merit promotion program, and the first effective incentive awards program. With no sacrifice in efficiency. Federal civilian employment since 1953 has been reduced by over a quarter of a million persons.

I am deeply gratified that it was under the urging of this administration that Alaska and Hawaii became our 49th and 50th States.

AGRICULTURE

Despite the difficulties of administering congressional programs which apply outmoded prescriptions and which aggravate rather than solve problems, the past 8 years brought notable advances in agriculture.

Total agricultural assets are approximately $200 billion—up $36 billion in 8 years.

Farmowner equities are at the near record high of $174 billion.

Farmownership is at a record high with fewer farmers in a tenant and sharecropper status than at any time in our Nation's history.

The food-for-peace program has demonstrated how surplus of American food and fiber can be effectively used to feed and clothe the needy abroad. Aided by this humanitarian program, total agricultural exports have grown from $2.8 billion in 1953 to an average of about $4 billion annually for the past 3 years. For 1960, exports are estimated at $4.5 billion, the highest volume on record. Under the food-for-peace program, the largest wheat transaction in history was consummated with India in 1960.

The problems of low-income farm families received systematic attention for the first time in the rural development program. This program has gone forward in 39 States, yielding higher incomes and a better living for rural people most in need.

The Rural Electrification Administration has helped meet the growing demand for power and telephones in agricultural areas. Ninety-seven percent of all farms now have central station electric power. Dependence upon Federal financing should no longer be necessary.

The Farm Credit Administration has been made an independent agency more responsive to the farmer's needs.

The search for new uses for our farm abundance and to develop new crops for current needs has made major progress. Agricultural research appropriations have increased by 171 percent since 1953.

Farmers are being saved approximately $80 million a year by the repeal in 1956 of Federal taxes on gasoline used in tractors and other machinery.

Since 1953, appropriations have been doubled for county agents, home agents and the Extension Service.

Eligibility for social security benefits has been extended to farmers and their families.

Yet in certain aspects our agricultural surplus situation is increasingly grave. For example, our wheat stocks now total 1.3 billion bushels. If we did not harvest one bushel of wheat in this coming year, we would still have all we could eat, all we could sell abroad, all we could give away, and still have a substantial carryover. Extraordinary costs are involved just in management and disposal of this burdensome surplus. Obviously important adjustments must still come. Congress must enact additional legislation to permit wheat and other farm commodities to move into regular marketing channels in an orderly manner and at the same time afford the needed price protection to the farmer. Only then will agriculture again be free, sound, and profitable.

NATURAL RESOURCES

New emphasis has been placed on the care of our national parks. A 10-year development program of our national park system—Mission 66—was initiated and 633,000 acres of park land have been added since 1953.

Appropriations for fish and wildlife operations have more than doubled. Thirty-five new refuges, containing 11,342,000 acres, have been added to the national wildlife management system.

Our Nation's forests have been improved at the most rapid rate in history.

The largest sustained effort in water resources development in our history has taken place. In the field of reclamation alone, over 50 new projects, or project units, have been authorized since 1953—including the billion-dollar Colorado River storage project. When all these projects have been completed they will have a storage capacity of nearly 43 million acre-feet—an increase of 50 percent over the Bureau of Reclamation's storage capacity in mid-1953. In addition, since 1953 over 450 new navigation flood control and multiple purpose projects of the Corps of Engineers have been started, costing nearly $6 billion.

Soil and water conservation has been advanced as never before. One hundred forty-one projects are now being constructed under the watershed protection program.

Hydroelectric power has been impressively developed through a policy which recognizes that the job to be done requires comprehensive development by Federal, State, and local governments and private enterprise. Teamwork is essential to achieve this objective.

The Federal Columbia River power system has grown from two multipurpose dams with a 2.6 million kilowatt capacity to 17 multipurpose projects completed or under construction with an ultimate installed capacity of 8.1 million kilowatts. After years of negotiation, a Columbia River Storage Development agreement with Canada now opens the way for early realization of unparalleled power, flood control and resource conservation benefits for the Pacific Northwest. A treaty implementing this agreement will shortly be submitted to the Senate.

A farsighted and highly successful program for meeting urgent water needs is being carried out by converting salt water to fresh water. A 75-percent reduction in the cost of this process has already been realized.

Continuous resource development is essential for our expanding economy. We must continue vigorous, combined Federal, State and private programs, at the same time preserving to the maximum extent possible our natural and scenic heritage for future generations.

EDUCATION, SCIENCE, AND TECHNOLOGY

The National Defense Education Act of 1958 is already a milestone in the history of American education. It provides broad opportunities for the intellectual development of all children by strengthening courses of study in science, mathematics, and foreign languages, by developing new graduate programs to train additional teachers, and by providing loans for young people who need financial help to go to college.

The administration proposed on numerous occasions a broad new 5-year program of Federal aid to help overcome the classroom shortage in public elementary and secondary schools. Recommendations were also made to give assistance to colleges and universities for the construction of academic and residential buildings to meet future enrollment increases.

The administration greatly expanded Federal loans for building dormitories for students, teachers, and nurses training, a program assisting in the construction of approximately 200,000 living accommodations during the past 8 years.

There has been a vigorous acceleration of health, resource and education programs designed to advance the role of the American Indian in our society. Last fall, for example, 91 percent of the Indian children between the ages of 6 and 18 on reservations were enrolled in school. This is a rise of 12 percent since 1953.

In the field of science and technology, startling strides have been made by the new National Aeronautics and Space Administration. In little more than 2 years, NASA has successfully launched meteorological satellites, such as Tiros I and Tiros II, that promise to revolutionize methods of weather forecasting; demonstrated the feasibility of satellites for global communications by the successful launching of Echo I; produced an enormous amount of valuable scientific data, such as the discovery of the Van Allen Radiation Belt; successfully launched deep-space probes that maintained communication over the greatest range man has ever tracked; and made real progress toward the goal of manned space flights.

These achievements unquestionably make us preeminent today in space exploration for the betterment of mankind. I believe the present organizational arrangements in this area, with the revisions proposed last year, are completely adequate for the tasks ahead.

Americans can look forward to new achievements in space exploration. The near future will hold such wonders as the orbital flight of an astronaut, the landing of instruments on the moon, the launching of the powerful giant Saturn rocket vehicles, and the reconnaissance of Mars and Venus by unmanned vehicles.

The application of atomic energy to industry, agriculture, and medicine has progressed from hope and experiment to reality. American industry and agriculture are making increasing use of radioisotopes to improve manufacturing, testing, and crop raising. Atomic energy has improved the ability of the healing professions to combat disease, and holds promise for an eventual increase in man's life span.

Education, science, technology, and balanced programs of every kind—these are the roadways to progress. With appropriate Federal support, the States and localities can assure opportunities for achieving excellence at all levels of the educational system; and with the Federal Government continuing to give wholehearted support to basic scientific research and technology, we can expect to maintain our position of leadership in the world.

CIVIL RIGHTS

The first consequential Federal Civil Rights legislation in 85 years was enacted by Congress on recommendation of the administration in 1957 and 1960.

A new Civil Rights Division in the Department of Justice has already moved to enforce constitutional rights in such areas as voting and the elimination of Jim Crow laws.

Greater equality of job opportunity in Federal employment and employment with Federal contractors has been effectively provided through the President's Committees on Government Contracts and Government Employment Practices.

The Civil Rights Commission has undertaken important surveys in the fields of housing, voting, and education.

Segregation has been abolished in the Armed Forces, in Veterans' Hospitals, in all Federal employment, and throughout the District of Columbia—administratively accomplished progress in this field that is unmatched in America's recent history.

This pioneering work in civil rights must go on. Not only because discrimination is morally wrong, but also because its impact is more than national—it is worldwide.

HEALTH AND WELFARE

Federal medical research expenditures have increased more than fourfold since 1954.

A vast variety of the approaches known to medical science has been explored to find better methods of treatment and prevention of major diseases, particularly heart diseases, cancer, and mental illness.

The control of air and water pollution has been greatly strengthened.

Americans now have greater protection against harmful, unclean, or misrepresented foods, drugs, or cosmetics through a strengthened Food and Drug Administration and by new legislation which requires that food additives be proved safe for human consumption before use.

A newly established Federal Radiation Council, along with the Department of Health, Education, and Welfare, analyzes and coordinates information regarding radiological activities which affect the public health.

Medical manpower has been increased by Federal grants for teaching and research.

Construction of new medical facilities has been stepped up and extended to include nursing homes, diagnostic and treatment centers, and rehabilitation facilities.

The vocational rehabilitation program has been significantly expanded. About 90,000 handicapped people are now being rehabilitated annually so they are again able to earn their own living with self-respect and dignity.

New legislation provides for better medical care for the needy aged, including those older persons, who, while otherwise self-sufficient, need help in meeting their health care costs. The administration recommended a major expansion of this effort.

The coverage of the Social Security Act has been broadened since 1953 to make 11 million additional people eligible for retirement, disability or survivor benefits for themselves or their dependents, and the social security benefits have been substantially improved.

Grants to the States for maternal and child welfare services have been increased.

The States, aided by Federal grants, now assist some 6 million needy people through the programs of old age assistance, aid to dependent children, aid to the blind, and aid to the totally and permanently disabled.

HOUSING AND URBAN DEVELOPMENT

More houses have been built during the past 8 years—over 9 million—than during any previous 8 years in history.

An historic new approach—urban renewal—now replaces piecemeal thrusts at slum pockets and urban blight. Communities engaged in urban renewal have doubled and renewal projects have more than tripled since 1953. An estimated 68 projects in 50 cities will be completed by the end of the current fiscal year; another 577 projects will be underway, and planning for 310 more will be in process. A total of $2 billion in Federal grants will ultimately be required to finance these 955 projects.

New programs have been initiated to provide more and better housing for elderly people. Approximately 25,000 units especially designed for the elderly have been built, started, or approved in the past 3 years.

For the first time, because of Federal help and encouragement, 90 metropolitan areas and urban regions and 1,140 smaller towns throughout the country are making comprehensive development plans for their future growth and development.

American communities have been helped to plan water and sanitation systems and schools through planning advances for 1,600 public works projects with a construction cost of nearly $2 billion.

Mortgage insurance on individual homes has been greatly expanded. During the past 8 years, the Federal Housing Administration alone insured over 2½ million home mortgages valued at $27 billion, and in addition, insured more than 10 million property improvement loans.

The Federal government must continue to provide leadership in order to make our cities and communities better places in which to live, work, and raise families, but without usurping rightful local authority, replacing individual responsibility, or stifling private initiative.

IMMIGRATION

Over 32,000 victims of Communist tyranny in Hungary were brought to our shores, and at this time our country is working to assist refugees from tyranny in Cuba.

Since 1953, the waiting period for naturalization applicants has been reduced from 18 months to 45 days.

The administration also has made legislative recommendations to liberalize existing restrictions upon immigration while still safeguarding the national interest. It is imperative that our immigration policy be in the finest American tradition of providing a haven for oppressed peoples and fully in accord with our obligation as a leader of the free world.

VETERANS

In discharging the Nation's obligation to our veterans, during the past 8 years there have been:

The readjustment of World War II veterans was completed, and the 5 million Korean conflict veterans were assisted in achieving successful readjustment to civilian life;

Increases in compensation benefits for all eligible veterans with service-connected disabilities;

Higher non-service-connected pension benefits for needy veterans;

Greatly improved benefits to survivors of veterans dying in or as a result of service;

Authorization, by Presidential directive, of an increase in the number of beds available for sick and disabled veterans;

Development of a 12-year $900 million construction program to modernize and improve our veterans hospitals;

New modern techniques brought into the administration of veterans affairs to provide the highest quality service possible to those who have defended us.

CONCLUSION

In concluding my final message to the Congress, it is fitting to look back to my first—to the aims and ideals I set forth on February 2, 1953: To use America's influence in world affairs to advance the cause of peace and justice, to conduct the affairs of the executive branch with integrity and efficiency, to encourage creative initiative in our economy, and to work toward the attainment of the well-being and equality of opportunity of all citizens.

Equally, we have honored our commitment to pursue and attain specific objectives. Among them, as stated 8 years ago: Strengthening of the mutual security program; development of world trade and commerce; ending of hostilities in Korea; creation of a powerful deterrent force; practicing fiscal responsibility; checking the menace of inflation; reducing the tax burden; providing an effective internal security program; developing and conserving our natural resources; reducing governmental interference in the affairs of the farmer; strengthening and improving services by the Department of Labor, and the vigilant guarding of civil and social rights.

I do not close this message implying that all is well—that all problems are solved. For progress implies both new and continuing problems and, unlike Presidential administrations, problems rarely have terminal dates.

Abroad, there is the continuing Communist threat to the freedom of Berlin, an explosive situation in Laos, the problems caused by Communist penetration of Cuba, as well as the many problems connected with the development of the new nations in Africa. These areas, in particular, call for delicate handling and constant review.

At home, several conspicuous problems remain: promoting higher levels of employment, with special emphasis on areas in which heavy unemployment has persisted; continuing to provide for steady economic growth and preserving a sound currency; bringing our balance of payments into more reasonable equilibrium and continuing a high level of confidence in our national and international financial systems; eliminating heavily excessive surpluses of a few farm commodities; and overcoming deficiencies in our health and educational programs.

Our goal always has been to add to the spiritual, moral, and material strength of our Nation. I believe we have done this. But it is a process that must never end. Let us pray that leaders of both the near and distant future will be able to keep the Nation strong and at peace, that they will advance the well-being of all our people, that they will lead us on to still higher moral standards, and that, in achieving these goals, they will maintain a reasonable balance between private and governmental responsibility.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *January 12, 1961.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the introduction of bills and the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet during the session of the Senate today.

ANNOUNCEMENT OF ADJOURNMENT UNTIL TUESDAY

Mr. MANSFIELD. Mr. President, for the information of the Senate, I wish to announce that it is the intention of the leadership to request, at the conclusion of the business of the Senate today, that the Senate adjourn until Tuesday next.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON AGRICULTURAL CONSERVATION PROGRAM

A letter from the Acting Secretary of Agriculture, transmitting, pursuant to law, a report on the agricultural conservation program, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on Agriculture and Forestry.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN SAPPHIRE MATERIAL

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 1,800,000 carats of sapphire material now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN STEATITE TALC

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 42 short tons of block and lump steatite talc now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN BAUXITE FURNACE RESIDUES

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 24 short tons of bauxite furnace residues now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

ADMINISTRATION BY THE VARIOUS STATES OF UNEMPLOYMENT COMPENSATION LAWS

A letter from the Acting Secretary of Labor, transmitting a draft of proposed legislation to delete the limitation on the amount which may be made aavilable to the States in a fiscal year for the administration of their unemployment compensation laws and their system of public employment offices; and for other purposes (with accompanying papers); to the Committee on Finance.

NOBEL PEACE PRIZE AWARD NOTICE

A letter from the Assistant Secretary of State, transmitting copies of the Nobel Peace Prize Award notice to the Congress of the United States, issued by the Nobel Committee of the Norwegian Parliament, Oslo, Norway (with accompanying papers); to the Committee on Foreign Relations.

ESTABLISHMENT OF REVOLVING-TYPE FUND IN THE TREASURY FOR BUREAU OF RECLAMATION

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to establish a revolving-type fund in the Treasury for the Bureau of Reclamation, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

CONTRACTS FOR CONDUCT OF RESEARCH IN FIELD OF METEOROLOGY

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to enter into contracts for the conduct

of research in the field of meteorology and to authorize installation of Government telephones in certain private residences (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

UTILIZATION BY SECRETARY OF COMMERCE OF CERTAIN FUNDS FOR SPECIAL METEOROLOGICAL SERVICES

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to utilize funds received from State and local governments and private organizations and individuals for special meteorological services (with accompanying papers); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF INTERSTATE COMMERCE ACT, RELATING TO CIVIL LIABILITY FOR VIOLATIONS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to amend the Interstate Commerce Act in order to provide civil liability for violations of such act by common carriers by motor vehicle and freight forwarders (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

REPORT OF NAVY CLUB OF THE UNITED STATES OF AMERICA

A letter from the National Shipswriter, Navy Club of the United States of America, Springfield, Ill., reporting, pursuant to law, on the activities of that club, for the calendar year 1960 (with accompanying papers); to the Committee on the Judiciary.

AUDIT REPORT OF FUTURE FARMERS OF AMERICA

A letter from the Chairman, Board of Directors, Future Farmers of America, Washington, D.C., transmitting, pursuant to law, an audit report of that organization, for the fiscal year ended June 30, 1960 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF RAILROAD RETIREMENT BOARD, RELATING TO CERTAIN CIVIL SERVICE POSITIONS

A letter from the Chairman, Railroad Retirement Board, Chicago, Ill., transmitting, pursuant to law, a report of that Board on positions in grades GS–16, 17, and 18, for the calendar year 1960 (with an accompanying report); to the Committee on Post Office and Civil Service.

REPORT OF NATIONAL CAPITAL TRANSPORTATION AGENCY, RELATING TO CERTAIN CIVIL SERVICE POSITIONS

A letter from the Administrator, National Capital Transportation Agency, Washington, D.C., transmitting, pursuant to law, a report of that Agency on positions in grades GS–16, 17, and 18 (with an accompanying report); to the Committee on Post Office and Civil Service.

NINETEEN HUNDRED AND SIXTY-ONE INTERSTATE SYSTEM COST ESTIMATE

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 1961 Interstate System cost estimate (with an accompanying report); to the Committee on Public Works.

PETITIONS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Common Council of the City of Dunkirk, N.Y., favoring the enactment of legislation to provide Federal assistance to State and local governments for the construction of needed public works and improvements, which was referred to the Committee on Public Works.

MOUNT NEUBERGER—JOINT RESOLUTION OF ALASKA LEGISLATURE

Mr. BARTLETT. Mr. President, it is my great privilege to announce that the Board on Geographic Names has named an Alaska mountain in honor of our late colleague, Richard L. Neuberger, of Oregon.

Today I have been advised that the Board has designated a mountain near the Alaska Highway, in the vicinity of Tok Junction, as Mount Neuberger.

The suggestion that this be done in memory of Alaska's stanch and unswerving friend was first made by the Alaska Legislature in March of last year, following Senator Neuberger's untimely death.

Mount Neuberger is the highest summit of the prominent mountain range which can be seen to the south and west of Tok Junction and Tanacross. It is clearly visible from the Alaska Highway, in the building of which Senator Neuberger was closely associated as a captain in the U.S. Army.

Mount Neuberger is 6,747 feet in height.

This is a wonderful and deserved tribute to a great man.

"Bring me men to match my mountains," the poet wrote long ago of Alaska.

For Alaska, for the West, for the Nation, and for the world, Senator Neuberger was such a man.

Mr. President, I ask unanimous consent that House Joint Memorial 59 of the last Alaska Legislature be printed at this point in the RECORD.

There being no objection, the joint memorial was ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 59—IN THE LEGISLATURE OF THE STATE OF ALASKA

To the Honorable FRED A. SEATON, Secretary of the Interior; the Honorable JEROME O. KILMARTIN, Executive Secretary, Board on Geographic Names; the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, Senator From Alaska; and the Honorable RALPH J. RIVERS, Representative From Alaska:

Your memorialist, the Legislature of the State of Alaska in first legislature, second session assembled, respectfully submits that:

Whereas the people of Alaska shall be forever grateful to the late Senator Richard L. Neuberger for his gallant support of our struggle for statehood; and

Whereas it is altogether fitting and proper that this Nation and especially this State should express their gratitude to Senator Neuberger and commemorate his name: Now therefore

Your memorialist urges the Federal Government to name the mountain described on the attached memorandum, which is located near the eastern gateway to the State of Alaska, Mount Neuberger as a memorial to Senator Richard L. Neuberger.

Passed by the senate March 21, 1960.

WARREN A. TAYLOR,
Speaker of the House.

Attest:

ESTHER REED,
Chief Clerk of the House.

Pased by the senate March 21, 1960.

WILLIAM E. BELTZ,
President of the Senate.

Attest:

KATHERINE T. ULENDER,
Secretary of the Senate.

Certified true, full, and correct.

ESTHER REED.
Chief Clerk of the House.

RESOLUTIONS BY THE COMMON COUNCIL OF THE CITY OF DUNKIRK, N.Y.

Mr. KEATING. Mr. President, I ask unanimous consent that two resolutions by the Common Council of the City of Dunkirk, N.Y., be printed in the RECORD. The city of Dunkirk presently faces a number of serious economic problems—not the least of which is the fact that unemployment in this area has increased to the point that Dunkirk is now officially classified as a labor-surplus area by the U.S. Department of Labor. Unemployment was 6 percent in September of 1960—the last month for which we have figures. I am also informed that, although new figures are not yet available early indications are that unemployment in this area has increased significantly since last September.

The resolutions call upon the Congress to act to provide needed and deserved assistance to Dunkirk and to all cities beset by similar economic and unemployment conditions. I share the hope of the Common Council of the City of Dunkirk that the Congress will give this issue high priority.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

BY COUNCILMAN LAYMAN

Whereas the Congress of the United States is contemplating the enactment of legislation to check the growth of unemployment by providing Federal assistance to State and local governments for the construction of needed public works and improvements; and

Whereas the city of Dunkirk, N.Y., has been designated a labor surplus area with a substantial unemployment problems; and

Whereas the city of Dunkirk, N.Y., sorely needs such public works and improvements as the expansion and improvement of the Dunkirk Harbor, beach erosion works, etc.: Now, therefore, be it

Resolved, That the Common Council of the City of Dunkirk, N.Y., memorializes the Congress to enact legislation to provide Federal assistance to State and local governments for the construction of needed public works and improvements; and be it further

Resolved, That copies of this resolution be forwarded to the clerks of the Senate and House of Representatives, to all area Congressmen, and to the U.S. Senators representing the State of New York. Carried, all voting aye.

BY COUNCILMAN HUTCHINSON

Whereas the city of Dunkirk, N.Y., has been designated a labor-surplus area; and

Whereas the Congress of the United States is contemplating the enactment of legislation to authorize Federal loans to assist local communities in building modern industrial plants in labor surplus areas: Now, therefore, be it

Resolved, That the Common Council of the City of Dunkirk, N.Y., favors the enactment of such legislation authorizing Federal loans to assist local communities in labor surplus areas to build modern industrial plants; and be it further

Resolved, That copies of this resolution be sent to all area Congressmen and to the U.S. Senators representing the State of New York. Carried, all voting aye.

RESOLUTION OF NATIONAL GRANDMOTHERS' CLUB OPPOSING OBSCENE LITERATURE IN THE MAILS

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the National Grandmothers Club in their October 1960 national convention in San Antonio, Tex.

This material was forwarded to me by Mrs. Muriel B. Green, an official of the Baytown, Tex., Grandmothers Club, and was signed by Florence Newhall, national president of the National Federation of Grandmothers' Clubs of America, Inc.

There being no objection, the resolution was ordered to be printed in the RECORD, and referred to the Committee on Post Office and Civil Service, as follows:

Whereas the Post Office Department has reported an unprecedented flow of obscene material into the United States from abroad; and

Whereas the Post Office General Counsel, Mr. Herbert B. Warburton, stated that in the past months customs officials in New York have intercepted 35 mailbags full of allegedly lewd material from Scandinavia, the Netherlands, Great Britain, and West Germany, consisting of approximately 20,000 separate items; and

Whereas first-class mail cannot be opened for inspection, and therefore these foreign distributors of said obscene literature are taking advantage of this situation; and

Whereas we demand each secretary of every member club of the National Federation of Grandmother Clubs of America, Inc., send an exact copy of this resolution airmail, within 5 days to their Congressman, in their own handwriting to demand personal attention, and we recommend that every member of our federation also send a copy of this resolution to their Congressman at once: Be it

Resolved, That the National Federation of Grandmothers' Clubs of America, Inc., go on record that we have requested a bill be passed which will warant the postal authorities the same rights given the U.S. customs officials to investigate the obscene literature arriving by first-class mail from foreign countries to be distributed in our country. It is the responsibility of every member of our vast organization to protect the youth of our country from such obscene and immoral literature.

FLORENCE NEWHALL,
National President.
VERTA KING.
MARY NARDINI.
RUTH SERNE.
RUTH MCSHANE.
MILDRED FRIES.

ASSISTANCE TO SENATORS IN CONNECTION WITH INTERPARLIAMENTARY ACTIVITIES AND RECEPTION OF FOREIGN OFFICIALS—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 40) to provide assistance to Members of the Senate in connection with interparliamentary activities and reception of foreign officials, and submitted a report (No. 2) thereon; which resolution was referred to the Committee on Rules and Administration, as follows:

Resolved, That in order to assist the Senate properly to discharge and coordinate its activities and responsibilities in connection with participation in various interparliamentary institutions and to facilitate the interchange and reception in the United States of members of foreign legislative bodies and prominent officials of foreign governments, the Committee on Foreign Relations is authorized from February 1, 1961, through January 31, 1962, to employ one additional professional staff member to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of section 202(e) of the Legislative Reorganization Act of 1946, as amended.

SEC. 2. The Secretary of the Senate is authorized and directed to pay the actual and necessary expenses incurred in connection with activities authorized by this resolution and approved in advance by the chairman of the Committee on Foreign Relations, which shall not exceed $5,000 from February 1, 1961, through January 31, 1962, from the contingent fund of the Senate upon vouchers certified by the Senator incurring such expenses and approved by the chairman.

AUTHORITY FOR CONTINUANCE OF STUDY OF U.S. FOREIGN POLICY—REPORT OF A COMMITTEE

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 41) to authorize a continuing study of U.S. foreign policy, and submitted a report (No. 3) thereon; which resolution was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Foreign Relations or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make complete studies of any and all matters pertaining to the foreign policies of the United States and their administration.

SEC. 2. For the purposes of this resolution the committee, from February 1, 1961 to January 31, 1962, inclusive, is authorized (1) to make such expenditures; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants; (3) to hold such hearings, to take such testimony, to sit and act at such times and places during the sessions, recesses and adjourned periods of the Senate, and to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; and (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government, as the committee deems advisable.

SEC. 3. In the conduct of its studies the committee may use the experience, knowledge, and advice of private organizations, schools, institutions, and individuals in its discretion, and it is authorized to divide the work of the studies among such individuals, groups, and institutions as it may deem appropriate and may enter into contracts for this purpose.

SEC. 4. Expenses of the committee, under this resolution, which shall not exceed $160,000 for the period ending January 31, 1962, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—CIVILIAN EMPLOYMENT IN EXECUTIVE BRANCH

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a summary of monthly personnel reports on civilian employment in the executive branch of the Federal Government issued during the recess of the Congress. These reports were concerned with employment and payrolls during the period July to November 1960, inclusive.

In accordance with the practice of several years' standing, I request unanimous consent that the summary, together with a statement by me, be printed in the body of the RECORD as a part of my remarks.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

Personnel and pay summary, July through November 1960

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In November numbered—	In July numbered—	Increase (+) or decrease (−)	In October was—	In June was—	Increase (+) or decrease (−)
Total [1]	2,360,631	[2] 2,382,549	−21,918	$1,091,954	$1,078,964	+$12,990
Agencies exclusive of Department of Defense	1,327,156	1,339,717	−12,561	606,940	582,513	+24,427
Department of Defense	1,033,475	1,042,832	−9,357	485,014	496,451	−11,437
Inside the United States	2,200,548	2,220,976	−24,428			
Outside the United States	160,083	157,573	+2,510			
Industrial employment	563,612	563,673	−61			
Foreign nationals	175,354	175,731	−377	23,038	[3] 23,036	+2

[1] Exclusive of foreign nationals shown in the last line of this summary.
[2] Includes 3,013 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce, engaged in taking the Eighteenth Decennial Census.
[3] Revised on basis of later information.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during November 1960, and comparison with July 1960, and pay for October 1960, and comparison with June 1960*

Department or agency	Personnel				Pay (in thousands)			
	November	July	Increase	Decrease	October	June	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	89,689	[1] 100,261		10,572	$41,587	$40,327	$1,260	
Commerce [2]	31,763	[3] 36,177		4,414	16,254	25,046		$8,792
Health, Education, and Welfare	63,654	62,598	1,056		30,056	28,449	1,607	
Interior	51,557	56,644		5,087	26,693	26,470	223	
Justice	30,932	31,334		402	18,123	17,479	644	
Labor	7,063	7,190		127	3,875	3,675	200	
Post Office	573,056	567,657	5,399		242,277	224,981	17,296	
State [4]	38,070	38,043	27		18,308	15,984	2,324	
Treasury	76,998	77,741		743	40,432	39,432	1,000	
Executive Office of the President:								
White House Office	421	445		24	240	250		10
Bureau of the Budget	438	437	1		358	327	31	
Council of Economic Advisers	31	31			24	27		3
Executive Mansion and Grounds	71	70	1		34	32	2	
National Security Council	64	65		1	48	46	2	
Office of Civil and Defense Mobilization	1,805	1,884		79	1,182	1,162	20	
President's Advisory Committee on Government Organization	2	3		1	1	3		2
President's Committee on Fund Raising Within the Federal Service	5	4	1		3	2	1	
Independent agencies:								
Advisory Commission on Intergovernmental Relations	12	8	4		8	4	4	
Alaska International Rail and Highway Commission	3	3			2	2		
American Battle Monuments Commission	445	454		9	79	86		7
Atomic Energy Commission	6,859	6,900		41	4,472	4,378	94	
Board of Governors of the Federal Reserve System	599	606		7	357	345	12	
Boston National Historic Sites Commission [5]						1		1
Civil Aeronautics Board	757	759		2	501	480	21	
Civil Service Commission	3,607	3,580	27		2,044	1,948	96	
Civil War Centennial Commission	7	7			5	5		
Commission of Fine Arts	6	4	2		4	3	1	
Commission on Civil Rights	78	83		5	46	44	2	
Development Loan Fund	147	133	14		100	90	10	
Export-Import Bank of Washington	236	239		3	157	153	4	
Farm Credit Administration	242	243		1	157	159		2
Federal Aviation Agency	39,526	38,471	1,055		22,764	21,777	987	
Federal Coal Mine Safety Board of Review	6	7		1	4	4		
Federal Communications Commission	1,359	1,413		54	832	811	21	
Federal Deposit Insurance Corporation	1,240	1,250		10	698	705		7
Federal Home Loan Bank Board	1,048	1,005	43		636	607	29	
Federal Mediation and Conciliation Service	341	344		3	271	267	4	
Federal Power Commission	842	861		19	530	526	4	
Federal Trade Commission	799	807		8	531	507	24	
Foreign Claims Settlement Commission	48	47	1		35	34	1	
General Accounting Office	4,918	5,082		164	2,820	2,779	41	
General Services Administration [6]	29,132	28,997	135		12,494	12,333	161	
Government Contract Committee	28	25	3		18	19		1
Government Printing Office	6,557	6,525	32		3,142	3,646		504
Housing and Home Finance Agency	11,295	11,176	119		6,387	6,057	330	
Indian Claims Commission	17	17			16	15	1	
Interstate Commerce Commission	2,370	2,371		1	1,443	1,395	48	
Lincoln Sesquicentennial Commission [5]						1		1
National Aeronautics and Space Administration	15,929	15,093	836		10,268	6,435	3,833	
National Capital Housing Authority	339	329	10		138	139		1
National Capital Planning Commission	45	47		2	30	29	1	
National Capital Transportation Agency [7]	13		13		2		2	
National Gallery of Art	319	329		10	127	125	2	
National Labor Relations Board	1,766	1,750	16		1,084	1,034	50	
National Mediation Board	122	118	4		85	108		23
National Science Foundation	659	592	67		388	369	19	
Outdoor Recreation Resources Review Commission	41	43		2	25	27		2
Panama Canal	14,320	14,118	202		6,634	4,175	2,459	
Railroad Retirement Board	2,207	2,262		55	1,100	1,056	44	
Renegotiation Board	281	283		2	210	210		
St. Lawrence Seaway Development Corporation	161	165		4	97	92	5	
Securities and Exchange Commission	1,016	973	43		627	594	33	
Selective Service System	6,423	6,198	225		1,874	1,786	88	
Small Business Administration	2,312	2,265	47		1,359	1,268	91	
Smithsonian Institution	1,114	1,231		117	503	539		36
Soldiers' Home	1,022	1,042		20	320	304	16	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	48	46	2		34	30	4	
Subversive Activities Control Board	27	26	1		22	19	3	
Tariff Commission	266	276		10	175	165	10	
Tax Court of the United States	151	153		2	109	112		3
Tennessee Valley Authority	15,249	15,260		11	8,192	8,519		327
Texas Water Study Commission	50	50			32	31	1	
United States Information Agency	10,841	10,883		42	4,076	3,874	202	
Veterans' Administration	173,701	173,511	190		69,268	68,493	775	
Virgin Islands Corporation	591	673		82	113	107	6	
Total, excluding Department of Defense	1,327,156	1,339,717	9,576	22,137	606,940	582,513	34,149	9,722
Net change, excluding Department of Defense			12,561				24,427	
Department of Defense:								
Office of the Secretary of Defense	[8] 1,836	1,869		33	1,322	1,290	32	
Department of the Army	381,984	385,432		3,448	175,751	183,113		7,362
Department of the Navy	[8] 343,407	347,863		4,456	167,785	169,813		2,028
Department of the Air Force	306,248	307,668		1,420	140,156	142,235		2,079
Total, Department of Defense	1,033,475	1,042,832		9,357	485,014	496,451	32	11,469
Net decrease, Department of Defense			9,357				11,437	
Grand total, including Department of Defense [9]	2,360,631	2,382,549	9,576	31,494	1,091,954	1,078,964	34,181	21,191
Net change, including Department of Defense			21,918				12,990	

[1] Revised on basis of later information.
[2] November figure includes 224 seamen on the rolls of the Maritime Administration and their pay.
[3] Includes 3,013 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) engaged in taking the Eighteenth Decennial Census.
[4] November figure includes 14,497 employees of the International Cooperation Administration, as compared with 14,499 in July and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The November figure includes 3,892 of these trust fund employees and the July figure includes 3,971.
[5] Expired by law, June 30, 1960.
[6] November figure includes 1 employee of the Federal Facilities Corporation as compared with 2 in July.
[7] New agency, created pursuant to Public Law 86-669.
[8] Subject to revision.
[9] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agenies during November 1960, and comparison with July 1960*

Department or agency	November	July	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	88,675	[1] 99,249		10,574
Commerce [2]	31,170	35,574		4,404
Health, Education, and Welfare	63,207	62,151	1,056	
Interior	51,101	56,205		5,104
Justice	30,607	31,017		410
Labor	6,975	7,087		112
Post Office	571,805	566,484	5,321	
State [3]	9,193	9,123	70	
Treasury	76,432	77,187		755
Executive Office of the President:				
White House Office	421	445		24
Bureau of the Budget	438	437	1	
Council of Economic Advisers	31	31		
Executive Mansion and Grounds	71	70	1	
National Security Council	64	65		1
Office of Civil and Defense Mobilization	1,805	1,884		79
President's Advisory Committee on Government Organization	2	3		1
President's Committee on Fund Raising Within the Federal Service	5	4	1	
Independent agencies:				
Advisory Commission on Intergovernmental Relations	12	8	4	
Alaska International Rail and Highway Commission	3	3		
American Battle Monuments Commission	12	12		
Atomic Energy Commission	6,819	6,858		39
Board of Governors of the Federal Reserve System	599	606		7
Civil Aeronautics Board	757	759		2
Civil Service Commission	3,604	3,577	27	
Civil War Centennial Commission	7	7		
Commission of Fine Arts	6	4	2	
Commission on Civil Rights	78	83		5
Development Loan Fund	147	133	14	
Export-Import Bank of Washington	236	239		3
Farm Credit Administration	242	243		1
Federal Aviation Agency	38,627	37,615	1,012	
Federal Coal Mine Safety Board of Review	6	7		1
Federal Communications Commission	1,357	1,411		54
Federal Deposit Insurance Corporation	1,238	1,248		10
Federal Home Loan Bank Board	1,048	1,005	43	
Federal Mediation and Conciliation Service	341	344		3
Federal Power Commission	842	861		19
Federal Trade Commission	799	807		8
Foreign Claims Settlement Commission	48	47	1	
General Accounting Office	4,844	5,002		158
General Services Administration [4]	29,130	28,995	135	
Government Contracts Committee	28	25	3	
Government Printing Office	6,557	6,525	32	
Housing and Home Finance Agency	11,150	11,032	118	
Indian Claims Commission	17	17		
Interstate Commerce Commission	2,370	2,371		1
National Aeronautics and Space Administration	15,924	15,088	836	
National Capital Housing Authority	339	329	10	
National Capital Planning Commission	45	47		2
National Capital Transportation Agency [5]	13		13	
National Gallery of Art	319	329		10
National Labor Relations Board	1,738	1,724	14	
National Mediation Board	122	118	4	
National Science Foundation	656	592	64	
Outdoor Recreation Resources Review Commission	41	43		2
Panama Canal	402	396	6	
Railroad Retirement Board	2,207	2,262		55
Renegotiation Board	281	283		2
St. Lawrence Seaway Development Corporation	161	165		4
Securities and Exchange Commission	1,016	973	43	
Selective Service System	6,270	6,046	224	
Small Business Administration	2,286	2,240	46	
Smithsonian Institution	1,104	1,221		117
Soldiers' Home	1,022	1,042		20
South Carolina, Georgia, Alabama, and Florida Water Study Commission	48	46	2	
Subversive Activities Control Board	27	26	1	
Tariff Commission	266	276		10
Tax Court of the United States	151	153		2
Tennessee Valley Authority	15,247	15,258		11
Texas Water Study Commission	50	50		
United States Information Agency	2,779	2,740	39	
Veterans' Administration	172,615	172,412	203	
Total, excluding Department of Defense	1,268,055	1,280,719	9,346	22,010
Net decrease, excluding Department of Defense			12,664	
Department of Defense:				
Office of the Secretary of Defense	[6] 1,796	1,828		32
Department of the Army	331,478	336,408		4,930
Department of the Navy	[6] 321,281	325,916		4,635
Department of the Air Force	277,938	280,105		2,167
Total, Department of Defense	932,493	944,257		11,764
Net decrease, Department of Defense			11,764	
Grand total, including Department of Defense	2,200,548	2,224,976	9,346	33,774
Net decrease, including Department of Defense			24,428	

[1] Revised on basis of later information.
[2] November figure includes 224 seamen on the rolls of the Maritime Administration.
[3] November figure includes 1,946 employees of the International Cooperation Administration as compared with 1,988 in July.
[4] November figure includes 1 employee of the Federal Facilities Corporation as compared with 2 in July.
[5] New agency, created pursuant to Public Law 86-669.
[6] Subject to revision.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during November 1960, and comparison with July 1960*

Department or agency	November	July	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,014	1,012	2	
Commerce	593	603		10
Health, Education, and Welfare	447	447		
Interior	456	439	17	
Justice	325	317	8	
Labor	88	103		15
Post Office	1,251	1,173	78	
State [1]	28,877	28,920		43
Treasury	566	554	12	
Independent agencies:				
American Battle Monuments Commission	433	442		9
Atomic Energy Commission	40	42		2
Civil Service Commission	3	3		
Federal Aviation Agency	899	856	43	
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	74	80		6
General Services Administration	2	2		
Housing and Home Finance Agency	145	144	1	
National Aeronautics and Space Administration	5	5		
National Labor Relations Board	28	26	2	
National Science Foundation	3		3	
Panama Canal	13,918	13,722	196	
Selective Service System	153	152	1	
Small Business Administration	26	25	1	
Smithsonian Institution	10	10		
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,062	8,143		81
Veterans' Administration	1,086	1,099		13
Virgin Islands Corporation	591	673		82
Total, excluding Department of Defense	59,101	58,998	364	261
Net increase, excluding Department of Defense			103	
Department of Defense:				
Office of the Secretary of Defense	40	41		1
Department of the Army	50,506	49,024	1,482	
Department of the Navy	22,126	21,947	179	
Department of the Air Force	28,310	27,563	747	
Total, Department of Defense	100,982	98,575	2,408	1
Net increase, Department of Defense			2,407	
Grand total, including Department of Defense	160,083	157,573	2,772	262
Net increase, including Department of Defense			2,510	

[1] November figure includes 12,551 employees of the International Cooperation Administration as compared with 12,511 in July. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The November figure includes 3,892 of these trust fund employees and the July figure includes 3,971.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during November 1960, and comparison with July 1960*

Department or agency	November	July	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,407	3,484		77
Commerce	5,671	1,983	3,688	
Interior	7,774	8,181		407
Post Office [1]				
Treasury	5,122	5,180		58
Independent agencies:				
Atomic Energy Commission	226	248		22
Federal Aviation Agency	1,684	1,386	298	
General Services Administration	1,347	1,254	93	
Government Printing Office	6,557	6,525	32	
National Aeronautics and Space Administration	15,929	15,093	836	
Panama Canal	7,358	7,172	186	
St. Lawrence Seaway Development Corporation [2]	129	127	2	
Tennessee Valley Authority	12,447	12,452		5
Virgin Islands Corporation	591	673		82
Total, excluding Department of Defense	68,476	64,002	5,135	661
Net increase, excluding Department of Defense			4,474	
Department of Defense:				
Department of the Army:				
Inside the United States	[3] 136,150	[4] 136,638		488
Outside the United States	[3] 4,475	[4] 4,708		233
Department of the Navy:				
Inside the United States	199,493	202,205		2,712
Outside the United States	487	502		15
Department of the Air Force:				
Inside the United States	152,805	153,812		1,007
Outside the United States	1,726	1,806		80
Total, Department of Defense	495,136	499,671		4,535
Net decrease, Department of Defense			4,535	
Grand total, including Department of Defense	563,612	563,673	5,135	5,196
Net decrease, including Department of Defense			61	

[1] July totals adjusted to include industrial employment for this Department. Industrial employment in August was 243, September 240, and October 233; these figures were omitted in previous reports.
[2] July totals adjusted to include industrial employment for this Agency. Industrial employment in August was 131, September 131, and October 129; these figures were omitted in previous reports.
[3] Subject to revision.
[4] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of November 1960 and comparison with July 1960*

Country	Total		Army		Navy		Air Force		National Aeronautics and Space Administration	
	November	July	November	July	November	July	November	July	November	July
Australia	1	1							1	1
Canada	30						30			
Crete	46						46			
England	3,305	3,214			14		3,291	3,214		
France	22,499	21,839	17,972	17,735	4	4	4,523	4,100		
Germany	81,070	81,056	67,996	[1] 67,817	56	56	13,018	13,183		
Greece	273						273			
Japan	58,142	59,725	20,384	[1] 20,633	15,636	[1] 15,639	22,122	23,453		
Korea	6,186	5,860	6,186	[1] 5,860						
Morocco	3,120	3,355			854	837	2,266	2,518		
Netherlands	42	41					42	41		
Norway	24	24					24	24		
Saudi Arabia	1	1					1	1		
Trinidad	615	615			615	615				
Total	175,354	175,731	112,538	112,045	17,179	17,151	45,636	46,534	1	1

[1] Revised on basis of later information.

The statement presented by Mr. BYRD of Virginia is as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

Civilian employment in the executive branch of the Federal Government decreased 21,918 during the period July through November 1960. The total in July was 2,382,549. In November there were 2,360,631 civilian employees.

Employment by civilian agencies of the Federal Government showed a net decrease of 12,561 during the period from July through November 1960, decreasing from 1,339,717 in July to 1,327,156 in November. The July figure included 3,013 enumerators, clerks, etc., engaged in taking the Eighteenth Decennial Census. Civilian employment in the Department of Defense decreased 9,357 during the same period, dropping from 1,042,832 in July to 1,033,475 in November.

In the Department of Defense white-collar employment decreased 4,822 from 543,161 in July to 538,339 in November, and industrial employment decreased 4,535 from 499,671 in July to 495,136 in November.

In June the Federal civilian payroll was running at an annual rate of $12,948 million and in October it was running at an annual rate of $13,103 million.

These figures summarize compilations of monthly personnel reports certified by executive agencies to the Joint Committee on Reduction of Nonessential Federal Expenditures since Congress adjourned September 1, 1960.

In addition to this regularly reported civilian employment, there were foreign nationals working under U.S. agencies overseas, excluded from usual personnel reporting, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid. These numbered 175,731 in July and 175,354 in November, a decrease of 377.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN (for himself, Mr. HUMPHREY, Mr. MORSE, Mr. BIBLE, Mr. RANDOLPH, Mr. BARTLETT, Mr. WILLIAMS of New Jersey, Mr. JAVITS, Mr. COOPER, Mr. GRUENING, and Mr. YARBOROUGH):

S. 377. A bill to amend the Internal Revenue Code of 1954 so as to encourage the establishment of voluntary retirement plans by individuals; to the Committee on Finance.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (for himself, Mr. HUMPHREY, Mr. SMATHERS, Mr. MORSE, Mr. BIBLE, Mr. RANDOLPH, Mr. ENGLE, Mr. BARTLETT, Mr. WILLIAMS of New Jersey, Mr. JAVITS, Mr. COOPER, Mr. SCOTT, Mr. PROUTY, Mr. GRUENING, and Mr. YARBOROUGH):

S. 378. A bill to amend the Internal Revenue Code of 1954 so as to permit the use of the new methods and rates of depreciation for used property; to the Committee on Finance.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (for himself, Mr. HUMPHREY, Mr. MORSE, Mr. BIBLE, Mr. BARTLETT, Mr. WILLIAMS of New Jersey, Mr. COOPER, Mr. SCOTT, Mr. PROUTY, Mr. GRUENING, and Mr. YARBOROUGH):

S. 379. A bill to designate judicial precedents which shall be binding in the administration and enforcement of the internal revenue laws; to the Committee on Finance.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. McGEE (for himself and Mr. HICKEY):

S. 380. A bill to provide for the construction, operation, and maintenance of the Savery-Pot Hook Federal reclamation project, Colorado-Wyoming; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGEE when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE of South Dakota:

S. 381. A bill to amend section 1 of the act of April 16, 1934, as amended by the act of June 4, 1936 (49 Stat. 1458), entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes"; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CASE of South Dakota when he introduced the above bill, which appear under a separate heading.)

By Mr. HAYDEN:

S. 382. A bill to authorize the construction, operation, and maintenance of the middle Gila River project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAYDEN (for himself and Mr. GOLDWATER):

S. 383. A bill to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMATHERS:

S. 384. A bill for the relief of Otto Varga; to the Committee on the Judiciary.

By Mr. CURTIS:

S. 385. A bill to authorize an exchange of certain lands in Rocky Mountain National Park, Colo.; to the Committee on Interior and Insular Affairs.

S. 386. A bill for the relief of Henry C. Struve; to the Committee on the Judiciary.

By Mr. CARLSON:

S. 387. A bill to allow credit under the Civil Service Retirement Act to certain Federal employees for service in Federal-State cooperative programs in a State, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRD of West Virginia (for himself, Mr. RANDOLPH, and Mr. COOPER):

S. 388. A bill authorizing the purchase and distribution of surplus agricultural products; to the Committee on Agriculture and Forestry.

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH):

S. 389. A bill to convey certain lands in West Virginia to the Business & Development Corp. of Kanawha Valley; to the Committee on Armed Services.

By Mr. RANDOLPH (for himself and Mr. BYRD of West Virginia):

S. 390. A bill to amend title II of the Social Security Act to increase to $1,800, the annual amount individuals are permitted to earn without suffering deductions from their social security benefits; and

S. 391. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for certain amounts paid by a taxpayer for tuition and fees in providing a higher education for himself, his spouse, and his dependents; to the Committee on Finance.

S. 392. A bill to convey certain property to the Morgantown (W. Va.) Ordnance Works; to the Committee on Government Operations.

S. 393. A bill for the relief of Douglas M. Foley, Henry S. Hammett, and Carroll Elliott; to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. BYRD of West Virginia, and Mr. BOGGS):

S. 394. A bill to amend the Randolph Sheppard Vending Stand Act; to the Committee on Government Operations.

By Mr. BIBLE:

S. 395. A bill for the relief of Fausto Lavari; to the Committee on the Judiciary.

By Mr. BIBLE (for himself and Mr. CANNON):

S. 396. A bill to provide for the appointment of an additional district judge for the district of Nevada; to the Committee on the Judiciary.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. KERR:

S. 397. A bill to amend the Internal Revenue Code of 1954 to permit a deduction by life insurance companies in determining gain or loss from operations of an amount equal to 2 percent of the premiums from individual accident and health insurance contracts; and

S. 398. A bill to amend the Internal Revenue Code of 1954 to provide for life insurance companies the same treatment with respect to losses on certain investment securities as is provided for banks; to the Committee on Finance.

By Mr. GOLDWATER:

S. 399. A bill for the relief of W. L. Benedict; and

S. 400. A bill for the relief of Mrs. Keum Ja Asato (Mrs. Thomas R. Asato); to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself, Mr. HICKENLOOPER, Mr. MORSE, Mr. CURTIS, Mr. HOLLAND, Mr. SPARKMAN, Mr. BRIDGES, Mr. SCHOEPPEL, Mr. McCLELLAN, Mr. SCOTT, Mr. HUMPHREY, Mr. WILEY, Mr. PROUTY, Mr. COOPER, Mr. COTTON, Mr. JAVITS, Mr. KUCHEL, Mr. MORTON, Mr. BENNETT, Mr. HRUSKA, Mr. CHURCH, Mr. McCARTHY, Mr. BUTLER, Mr. BARTLETT, and Mr. FONG):

S. 401. A bill to equalize the pay of retired members of the uniformed services; to the Committee on Armed Services.

(See the remarks of Mr. GOLDWATER when he introduced the above bill, which appear under a separate heading.)

By Mr. CLARK:

S. 402. A bill for the relief of the York Airport Authority of York, Pa.; to the Committee on the Judiciary.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

By Mr. CLARK (for himself and Mr. SCOTT):

S. 403. A bill to provide for the appointment of additional circuit and district judges; to the Committee on the Judiciary.

(See the remarks of Mr. CLARK when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY (for himself, Mr. RANDOLPH, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CARROLL, Mr. CLARK, Mr. CHURCH, Mr. GRUENING, Mr. HART, Mr. JACKSON, Mr. LONG of Hawaii, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. McCARTHY, Mr. METCALF, Mr. MORSE, Mr. MOSS, Mrs. NEUBERGER, Mr. PELL, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. BURDICK):

S. 404. A bill to authorize the establishment of a Youth Conservation Corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. CHURCH (for himself and Mr. DWORSHAK):

S. 405. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Mann Creek Federal reclamation project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. CHURCH when he introduced the above bill, which appear under a separate heading.)

By Mr. HILL (for himself, Mr. SPARKMAN, and Mr. STENNIS):

S. 406. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending three marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals, and natural resources within said boundaries; to the Committee on Interior and Insular Affairs.

By Mr. SYMINGTON (for himself and Mr. ENGLE):

S. 407. A bill to provide for the establishment of a U.S. Foreign Service Academy; to the Committee on Foreign Relations.

(See the remarks of Mr. SYMINGTON when he introduced the above bill, which appear under a separate heading.)

By Mr. SYMINGTON:

S. 408. A bill requiring the use of surplus agricultural commodities in carrying out certain foreign aid programs; to the Committee on Foreign Relations.

(See the remarks of Mr. SYMINGTON when he introduced the above bill, which appear under a separate heading.)

By Mr. TALMADGE (for himself and Mr. ELLENDER):

S. 409. A bill to establish qualifications for persons appointed to the Supreme Court;

S. 410. A bill to require that litigants in cases reviewed by the Supreme Court be accorded an opportunity for hearing before that Court, and for other purposes;

S. 411. A bill to prescribe the procedure of courts of the United States in the issuance of injunctions and the punishment of disobedience thereof, and for other purposes; and

S. 412. A bill to amend chapter 21 of title 28 of the United States Code with respect to the jurisdiction of the justices, judges, and courts of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. TALMADGE when he introduced the above bills, which appear under a separate heading.)

By Mr. ALLOTT:

S. 413. A bill to amend the Mineral Leasing Act of 1920 in order to provide for public records of oil and gas leases issued under such act and other instruments affecting title to such leases, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 414. A bill for the relief of Mardiros and Armenuhi Maryam Budak;

S. 415. A bill for the relief of Margaret Jean Dauel; and

S. 416. A bill for the relief of James Lee Garrison; to the Committee on the Judiciary.

By Mr. GORE:

S. 417. A bill for the relief of Haruo T. Hendricks; to the Committee on the Judiciary.

By Mr. KEATING:

S. 418. A bill for the relief of William Joseph Vincent; and

S. 419. A bill for the relief of Yom Tov Yeshayahu Brisk; to the Committee on the Judiciary.

By Mr. MORSE:

S. 420. A bill for the relief of Willia Niukkanen (also known as William Albert Mackie); and

S. 421. A bill for the relief of Hamish Scott MacKay; to the Committee on the Judiciary.

(See the remarks of Mr. MORSE when he introduced the above bills, which appear under a separate heading.)

By Mr. CARROLL:

S. 422. A bill for the relief of the estate of Eileen G. Foster;

S. 423. A bill for the relief of Fotios Gianoutsos (Frank Giannos);

S. 424. A bill for the relief of William G. Fettes;

S. 425. A bill for the relief of Bonifacio Tizon;

S. 426. A bill for the relief of Peggy Loene Morrison;

S. 427. A bill for the relief of Mardiros Budak and Armenuhi Maryam Budak;

S. 428. A bill for the relief of Walter H. Hanson; and

S. 429. A bill for the relief of A1c. Percy J. Trudeau; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself and Mr. CARROLL):

S. 430. A bill to provide for the construction, operation, and maintenance of the Savery-Pot Hook Federal reclamation project, Colorado-Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. HARTKE:

S. 431. A bill to amend the Internal Revenue Code of 1954 so as to increase to $1,000 the amount of each personal exemption allowed as a deduction for income tax purposes; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself and Mr. KEATING):

S.J. Res. 29. Joint resolution providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. TALMADGE (for himself, Mr. BYRD of Virginia, Mr. ROBERTSON, Mr. JOHNSTON, Mr. HILL, Mr. SPARKMAN, Mr. EASTLAND, Mr. STENNIS, Mr. ELLENDER, and Mr. LONG of Louisiana):

S.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools; to the Committee on the Judiciary.

(See the remarks of Mr. TALMADGE when he introduced the above joint resoution, which appear under a separate heading.)

By Mr. KEATING (for himself, Mr. CAPEHART, Mr. CLARK, Mr. JAVITS, Mr. KUCHEL, Mr. MORTON, Mr. PROXMIRE, Mr. WILLIAMS of Delaware, Mr. SCOTT, and Mr. CARLSON):

S.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval of items in general appropriation bills; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. HARTKE:

S.J. Res. 32. Joint resolution to establish a commission to study and report on the organization of the Federal Communications Commission and the manner in which the electromagnetic spectrum is allocated in the agencies and instrumentalities of the Federal Government; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. HARTKE when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

MINORITY MEMBERS ON STANDING COMMITTEES OF THE SENATE

Mr. DIRKSEN submitted the following resolution (S. Res. 31); which was considered and agreed to, as follows:

Resolved, That members of the minority on standing committees of the Senate shall be:

Aeronautical and Space Sciences: Messrs. Bridges, Wiley, Mrs. Smith of Maine, Messrs. Case of New Jersey, and Hickenlooper.

Agriculture and Forestry: Messrs. Aiken, Young of North Dakota, Hickenlooper, Mundt, Cooper, and Boggs.

Appropriations: Messrs. Bridges, Saltonstall, Young of North Dakota, Mundt, Mrs. Smith of Maine, Messrs. Dworshak, Kuchel, Hruska, Allott, and Schoeppel.

Armed Services: Messrs. Bridges, Saltonstall, Mrs. Smith of Maine, Messrs. Case of South Dakota, Bush, and Beall.

Banking and Currency: Messrs. Capehart, Bennett, Bush, Beall, and Javits.

District of Columbia: Messrs. Beall, Prouty, and Miller.

Finance: Messrs. Williams of Delaware, Carlson, Bennett, Butler, Curtis, and Morton.

Foreign Relations: Messrs. Wiley, Hickenlooper, Aiken, Capehart, Carlson, and Williams of Delaware.

Government Operations: Messrs. Mundt, Curtis, and Javits.

Interior and Insular Affairs: Messrs. Dworshak, Kuchel, Goldwater, Allott, Fong, and Miller.

Interstate and Foreign Commerce: Messrs. Schoeppel, Butler, Cotton, Case of New Jersey, Morton, and Scott,

Judiciary: Messrs. Wiley, Dirksen, Hruska, Keating, and Cotton.

Labor and Public Welfare: Messrs. Goldwater, Dirksen, Case of New Jersey, Javits, and Prouty.

Post Office and Civil Service: Messrs. Carlson, Fong, and Boggs.

Public Works: Messrs. Case of South Dakota, Cooper, Scott, Prouty, Fong, and Boggs.

Rules and Administration: Messrs. Curtis, Keating, and Miller.

MINORITY MEMBERS OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. DIRKSEN submitted the following resolution (S. Res. 32); which was considered and agreed to, as follows:

Resolved, That the following be the minority members of the Select Committee on Small Business:

Senator Leverett Saltonstall, of Massachusetts; Senator Andrew F. Schoeppel, of Kansas; Senator Jacob K. Javits, of New York; Senator John Sherman Cooper, of Kentucky; Senator Hugh Scott, of Pennsylvania, and Senator Winston L. Prouty, of Vermont.

SPECIAL COMMITTEE ON THE AGING

Mr. McNAMARA submitted a resolution (S. Res. 33) creating the Special Committee on Aging, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. McNAMARA, which appears under a separate heading.)

CALLING OF WHITE HOUSE CONFERENCE ON NARCOTICS BY THE PRESIDENT

Mr. ENGLE submitted a resolution (S. Res. 34) expressing the sense of the U.S. Senate that the President should call a White House Conference on Narcotics, which was referred to the Committee on the Judiciary.

(See the above resolution printed in full when submitted by Mr. ENGLE, which appears under a separate heading.)

AMENDMENT OF RULE XIX RELATING TO PRINTING OF REMARKS IN CONGRESSIONAL RECORD

Mr. CLARK submitted a resolution (S. Res. 35) to amend rule XIX relative to printing remarks in the CONGRESSIONAL RECORD, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

AMENDMENT OF RULE XIX RELATING TO LIMITATION ON DEBATE

Mr. CLARK submitted a resolution (S. Res. 36) to amend rule XIX relating to a limitation on debate, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

AMENDMENT OF RULE XIX RELATIVE TO TRANSGRESSION OF THE RULE IN DEBATE

Mr. CLARK submitted a resolution (S. Res. 37) to amend rule XIX relative to the transgression of the rule in debate, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

AMENDMENT OF RULE VII, RELATING TO MORNING BUSINESS

Mr. CLARK submitted a resolution (S. Res. 38) to amend rule VII relating to morning business, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. CLARK, which appears under a separate heading.)

RECOGNITION OF INTERNATIONAL COURT OF JUSTICE IN CERTAIN LEGAL DISPUTES

Mr. HUMPHREY (for himself, Mr. MORSE, and Mr. JAVITS) submitted a resolution (S. Res. 39) relating to recognition of the jurisdiction of the International Court of Justice in certain legal disputes hereafter arising, which was referred to the Committee on Foreign Relations.

(See the above resolution printed in full when submitted by Mr. HUMPHREY (for himself and other Senators), which appears under a separate heading.)

ASSISTANCE TO SENATORS IN CONNECTION WITH INTERPARLIAMENTARY ACTIVITIES AND RECEPTION OF FOREIGN OFFICIALS

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 40) to provide assistance to Members of the Senate in connection with interparliamentary activities and reception of foreign officials, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under a separate heading.)

AUTHORIZATION FOR CONTINUING STUDY OF U.S. FOREIGN POLICY

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 41) to authorize a continuing study of U.S. foreign policy, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under a separate heading.)

PROPOSED LEGISLATION RELATING TO SMALL BUSINESS TAX RELIEF

Mr. SPARKMAN. Mr. President, last week I introduced Senate bill 2, a bill to permit a tax allowance for earnings reinvested in small business. Twenty-five Senators, including all other members of the Small Business Committee, joined me in introducing this bill, to permit small firms to grow from earnings.

Today I am introducing three additional bills for small business tax relief. These bills and S. 2 would complement each other to provide effective small business tax relief.

For myself and Senators HUMPHREY, MORSE, BIBLE, RANDOLPH, BARTLETT, WILLIAMS of New Jersey, JAVITS, COOPER, GRUENING, and YARBOROUGH, I introduce a bill to provide equal opportunity for all taxpayers who wish to provide for their retirement. Under this bill, any taxpayer not covered by a "qualified plan" under section 401 of the Internal Revenue Code of 1954, could deduct from his taxable income the lesser of 10 percent or $1,000 and place it in reserve for his retirement.

My second bill is cosponsored by Senators HUMPHREY, SMATHERS, MORSE, BIBLE, RANDOLPH, ENGLE, BARTLETT, WILLIAMS of New Jersey, JAVITS, COOPER, SCOTT, PROUTY, GRUENING, and YARBOROUGH. This bill would extend to purchasers of used property the right to use all of the more rapid depreciation methods authorized in the 1954 code for purchasers of new equipment. Present law favors large firms which usually buy new equipment and discriminates against small firms which more frequently are compelled by economic circumstances to buy used equipment.

The third bill is cosponsored by Senators HUMPHREY, MORSE, BIBLE, RANDOLPH, BARTLETT, WILLIAMS of New Jersey, COOPER, SCOTT, PROUTY, GRUENING, YARBOROUGH, and ENGLE. This legislation would compel the Treasury to acquiesce in decisions of the Tax Court or courts of appeal unless it takes an appeal from those decisions. All taxpayers would receive equal treatment under this provision, and it would provide an element of finality in the tax laws.

Mr. President, I ask unanimous consent that each of these bills lie on the table through next Wednesday in order that other Senators may have an opportunity to cosponsor them.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will lie on the table as requested.

The bills, introduced by Mr. SPARKMAN, for himself and other Senators, were received, read twice by their titles, and referred to the Committee on Finance, as follows:

S. 377. A bill to amend the Internal Revenue Code of 1954 so as to encourage the establishment of voluntary retirement plans by individuals;

S. 378. A bill to amend the Internal Revenue Code of 1954 so as to permit the use of the new methods and rates of depreciation for used property; and

S. 379. A bill to designate judicial precedents which shall be binding in the administration and enforcement of the internal revenue laws.

SAVERY-POT HOOK RECLAMATION PROJECT

Mr. McGEE. Mr. President, I introduce, for appropriate reference, in behalf of my colleague [Mr. HICKEY] and myself, a bill to authorize the construction of the Savery-Pot Hook reclamation project, a participating project under the upper Colorado storage project. This project is located in both Wyoming and Colorado, and its purpose is to revivify the economy of the Little Snake River Valley.

The prospect of its construction raised by the completion of the feasibility report last year, and by the introduction of two authorization bills during the closing days of the 86th Congress, has met with very favorable response on the part of the citizens and public officials of Wyoming.

The bill which my colleague [Mr. HICKEY] and I introduce today is similar to the bill introduced by former Senator O'Mahoney and cosponsored by myself, the Senator from Colorado [Mr. CARROLL and Mr. ALLOTT] last session. This bill was based upon my own original bill. A second Savery-Pot Hook bill is being introduced today by the Senators from Colorado [Mr. CARROLL and Mr. ALLOTT]. Their bill will contain a proviso suggested by the Colorado Water Conservation Board, relative to the crediting of revenues in the Upper Colorado Basin fund in satisfaction of reimbursable project costs allocable to each of the two States.

Our bill does not contain this provision, because in our opinion section 5–e of the Upper Colorado River Storage Project Act of 1956, which we are amending, contains sufficient authorization for the conclusion of any such agreement which may be necessary in the future.

I wish to make it clear, however, that should the information presented at the committee hearing on my bill demonstrate the necessity for the inclusion of further specific authorization in addition to that which is contained in the original act, we will be glad to have our bill amended to include it.

In closing, I wish to thank the Senators from Colorado, as well as Representative WAYNE ASPINALL from Colorado, chairman of the House Committee on Interior and Insular Affairs and my colleagues on the Wyoming delegation, Senator J. J. HICKEY and Representative W. H. HARRISON, for their cooperation and aid in this project. I wish to say that this cooperation bodes well for its early authorization.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 380) to provide for the construction, operation, and maintenance of the Savery-Pot Hook Federal reclamation project, Colorado-Wyoming, introduced by Mr. McGEE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

ADDITIONAL DISTRICT JUDGE FOR DISTRICT OF NEVADA

Mr. BIBLE. Mr. President, on behalf of my colleague, the junior Senator from Nevada [Mr. CANNON], and myself, I introduce for appropriate reference a bill to provide for the appointment of an additional district judge for the district of Nevada.

I believe the creation of this additional district judgeship for my State is necessary and fully justified.

The Judicial Conference of the United States has recently recommended the creation of a temporary judgeship for the district of Nevada. At its session in March of 1960 the Judicial Conference of the United States recommended the creation of a temporary judgeship for the district of Nevada, and that recommendation was renewed in September of 1960. I should like to point out that the bill now being introduced is for a permanent judgeship.

Nevada, until a few years ago, was a one-judge State. By Public Law 294 of the 83d Congress, a temporary district judgeship was authorized to help out in the conduct of the judicial business of the district of Nevada, so that when this temporary judgeship was filled, with two able judges serving the district, we had adequate judgepower for the efficient and expedient administration of justice. As the hearings on previous bills will show, the senior judge of the district of Nevada, the Honorable Roger T. Foley, for reasons of health, retired from the bench. Following his resignation, by the terms of Public Law 294 of the 83d Congress, Nevada reverted to a one-judge State.

Prior to Judge Foley's resignation, I introduced legislation to make perma-

nent this temporary judgeship, and the Senate Committee on the Judiciary included such a provision in omnibus judgeship bills previously reported to the Senate. Unfortunately, however, none of the bills reported to the Senate were enacted into law. Since the retirement of Judge Foley, due to the provision of the law that the first vacancy occurring in that judicial district should not be filled, it is necessary now, in order to provide for two district judges within the district of Nevada, that legislation be enacted providing for an additional district judgeship for the district, just as if this temporary judgeship had not existed. That is the intention of Senator CANNON and myself in regard to the introduction of this bill.

At this point let me say that most of the temporary judgeships now existing within the United States have been recommended as permanent judgeships by the Judicial Conference of the United States.

The Senate Judiciary Committee acted favorably on the proposition of two permanent district judgeships for the State of Nevada in both the 83d and 84th Congresses and, again, in the 85th Congress approved a bill (S. 2714) providing for an additional district judgeship for my State. That bill passed the Senate on August 30, 1957, and was pending before the Judiciary Committee of the House at the close of that Congress.

Evidence has been submitted to the Committee on the Judiciary in the form of letters from Judge Ross, the present judge, and Judge Foley, the retired judge, showing that a great amount of one judge's time is taken up in traveling the vast distances necessary to hold court in my State.

Judge Ross' letter indicates that the travel expenses of the judges, with the attendant clerks, marshals, and other court personnel, amount, in the aggregate, to around $17,000 a year, so that with only a slight additional amount a full-time judge could be provided for this district.

In addition to the recommendation of the Judicial Conference of the United States for a temporary judge for the district of Nevada, I had occasion to listen to Judge Biggs, chief judge of the third circuit, in testifying before the Senate Judiciary Committee, and it was with great pleasure that I heard his own personal views to the effect that there should be an additional district judgeship provided for the district of Nevada. His position has been supported by a resolution of the ninth circuit, to which the State of Nevada belongs. His position was also supported by the then Attorney General, the Honorable Herbert Brownell, Jr., in hearings before the Senate Judiciary Committee in the 84th Congress, and by the present Attorney General, the Honorable William P. Rogers, in testimony presented in the 1st session of the 85th Congress.

I fully believe that the situation which existed when the Congress granted the temporary judgeship for the district of Nevada still exists and that there is just as much need at the present time, or even more, for the additional judgepower than has ever existed. This legislation has, as I have indicated, been approved by the Judiciary Committee of the Senate on many occasions, and has had the support that I have heretofore stated. It is my intention to press for enactment of this legislation in this session of the Congress. I firmly believe that it is amply warranted, justified, and long overdue.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 396) to provide for the appointment of an additional district judge for the district of Nevada, introduced by Mr. BIBLE (for himself and Mr. CANNON), was received, read twice by its title, and referred to the Committee on the Judiciary.

RESTORATION OF HISTORIC RELATIONSHIP BETWEEN PAY RATES OF ACTIVE DUTY AND RETIRED MEMBERS OF THE ARMED SERVICES

Mr. GOLDWATER. Mr. President, the proposed measure I am about to introduce seeks to restore the historic relationship between the pay rates of active duty and retired members of the armed services.

When the Congress enacted the military pay raise bill of May 1958, it created certain inequities which have adversely affected many retired personnel. What the bill of 1958 did was to provide for a 6 percent increase rather than a proportionate increase for everyone retired prior to its effective date of June 1, 1958. This considerably weakened the traditional relationship between active duty and retired pay.

This bill, in which I am joined by 24 of my colleagues, is being introduced into the Senate for the third time, and I am happy to say it has the support of the Department of Defense and other Government departments concerned.

Legislation of this nature was passed by the House last year (H.R. 11318) but unfortunately the Congress adjourned before the Senate Armed Services Committee could hold hearings on it.

I hope the Senate will give speedy consideration to this legislation. It will correct an injustice to retired personnel now currently affected and will serve to strengthen the career incentives for active-duty personnel.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 401) to equalize the pay of retired members of the uniformed services, introduced by Mr. GOLDWATER (for himself and Senators HICKENLOOPER, MORSE, CURTIS, HOLLAND, SPARKMAN, BRIDGES, SCHOEPPEL, MCCLELLAN, SCOTT, HUMPHREY, WILEY, PROUTY, COOPER, COTTON, JAVITS, KUCHEL, MORTON, BENNETT, HRUSKA, CHURCH, MCCARTHY, BUTLER, BARTLETT, and FONG) was received, read twice by its title, and referred to the Committee on the Judiciary.

APPOINTMENT OF CERTAIN ADDITIONAL JUDGES

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill cosponsored by my colleague, the junior Senator from Pennsylvania [Mr. SCOTT], to provide first, one additional Federal circuit judge for the Court of Appeals for the Third Circuit (Pennsylvania, New Jersey, and Delaware); second, three additional district judges for the eastern district of Pennsylvania; third, one additional district judge for the middle district of Pennsylvania; and fourth, two additional district judges for the western district of Pennsylvania. In addition, the bill would make the present temporary judgeship in the western district permanent.

These additional judges are urgently needed in Pennsylvania. Despite great efforts by the judge now sitting in the Federal courts there, the backlog of cases and the time from filing of cases until trial remains far too high.

The Court of Appeals for the Third Circuit should be strengthened by the addition of one circuit judge. The number of cases pending there took a sharp increase in the third quarter of 1960, and the average time from filing of appeal until final disposition exceeds 6 months.

In the eastern district there were 4,223 civil and criminal cases pending on September 30, 1960. This means that each of the 8 judges in the district had a staggering caseload of 528 cases waiting disposition at that time. It would take 2 years for the judges to dispose of this backlog if no new cases were filed, but instead, new cases are being started at a record rate. Only one of the 85 other district courts in the country has a larger number of pending cases. Three new judges in the district, as recommended by the Judicial Conference, are clearly needed.

The judges in the middle district are also in need of assistance. The chief district judge has been seriously ill for some time. The only other judge is 75 and unable, alone, to carry the full load of the judicial work of the district. New cases filed have increased substantially. One additional temporary judgeship is required, as suggested by the Judicial Conference.

The situation in the western district also calls for immediate legislation. The backlog of cases pending there on September 30, 1960, numbered 1,592. The average delay from time of filing suit to time of trial was 35 months—almost 2½ times the national average. Unquestionably this long delay has caused denials of justice in many cases.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 403) to provide for the appointment of additional circuit and district judges, introduced by Mr. CLARK (for himself and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on the Judiciary.

CLAIM OF YORK AIRPORT CO., YORK, PA.

Mr. CLARK. Mr. President, I introduce, for appropriate reference, a bill to authorize the payment of $10,114.33 to the York Airport Co., York, Pa., in settlement of its claim against the United

States for work performed in 1955 at the request of the Air National Guard.

The services in question involve boring and soil analysis work performed by the airport authority at the request of the Air National Guard, which planned to have the authority construct an 8,000-foot runway for combined military-civilian uses. The guard was prevented from paying for the services performed by the authority because of an injunction suit brought by the owner of another airport in York, Pa.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 402) for the relief of the York Airport Authority of York, Pa., introduced by Mr. CLARK, was received, read twice by its title, and referred to the Committee on the Judiciary.

YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Mr. President, on behalf of myself and Senators RANDOLPH, BYRD of West Virginia, CANNON, CHURCH, GRUENING, HART, JACKSON, LONG of Hawaii, LONG of Missouri, MAGNUSON, MCCARTHY, METCALF, MORSE, MOSS, NEUBERGER, PELL, WILLIAMS of New Jersey, BURDICK, and YARBOROUGH, I introduce, for appropriate reference, a bill to provide for a Youth Conservation Corps.

Mr. President, this proposed legislation is precisely the bill which passed the Senate in the closing weeks of the 1st session of the 86th Congress, then known as S. 812. Passage of the bill followed extensive hearings by a special subcommittee of the Committee on Labor and Public Welfare headed by the distinguished senior Senator from West Virginia, and detailed discussion within the full Committee on Labor and Public Welfare.

Briefly, the proposal describes a corps of young men between the ages of 16 and 21, trained to carry on a needed program of natural resources conservation in our National and State parks and forests.

The objective of this proposed legislation is not only to accelerate vitally needed programs of conservation, but also to provide healthful training and employment of young men—to help prevent delinquency.

Overwhelming testimony from the leaders of the conservation groups in America, as well as from groups concerned with the welfare of young people, supported the establishment of such a corps.

The proposal is to establish a corps which would eventually amount to 150,000 young men, to be trained and to work under professional conservationists at modest pay plus subsistence, for periods of enrollment of 6 months.

The bill provides for the employment of these young men in such activities as tree planting, stream-bank stabilization, timber-stand improvement, reseeding, insect control, small watershed development, and the construction and rehabilitation of outdoor recreation areas.

The work performed could be on Federal lands and—on a matching basis—on State lands.

Mr. President, we are creating no new agency, no make-work boondoggles, but a simple and direct way to channel the creative energies of American boys into the planned projects of our Federal conservation agencies under the direct supervision and leadership of our splendid forest and park rangers, wildlife management specialists, and soil conservationists.

Mr. President, it was particularly gratifying to note that the report to the President-elect recently forwarded by the Commission on Distressed Areas, headed by the senior Senator from Illinois [Mr. DOUGLAS], included a recommendation for the establishment of a Youth Conservation Corps.

While I wish to emphasize, Mr. President, that the Youth Conservation Corps must be considered as a long-term resource conservation measure, it undeniably will have the effect of providing needed employment opportunities particularly in those areas of high chronic unemployment. Indeed, in the legislation which we propose, there is specific language providing for an emphasis on recruiting for the corps from the areas of chronic unemployment.

Mr. President, I am deeply hopeful that this proposed legislation may be acted upon early in the session without the need for extensive additional hearings.

Mr. President, I ask unanimous consent that the bill be held at the desk for additional cosponsors through Monday, January 16.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. CLARK. I request that I also be listed as an additional cosponsor. The Senator may recall that I voted for the measure at the last session.

Mr. HUMPHREY. I apologize to the Senator from Pennsylvania for not having added his name to the bill long before, because he was surely one of the active supporters of the measure.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk as requested by the Senator from Minnesota.

The bill (S. 404) to authorize the establishment of a youth conservation corps to provide healthful outdoor training and employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas, introduced by Mr. HUMPHREY, on behalf of himself and other Senators, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

MANN CREEK FEDERAL RECLAMATION PROJECT, IDAHO

Mr. CHURCH. Mr. President, on behalf of my distinguished senior colleague from Idaho [Mr. DWORSHAK] and myself, I introduce, for approprite reference, a bill to authorize the construction of the Mann Creek reclamation project on the Weiser River, in western Idaho.

In the 86th Congress, my distinguished senior colleague and I joined in the introduction of a bill to accomplish this objective. That bill was referred to the Senate Interior and Insular Affairs Committee. Late in the second session of the last Congress, it received the support of the Bureau of the Budget, and its enactment was recommended by the Department of the Interior.

The project is essentially for irrigation, and would serve an area of 5,060 acres of irrigable land along both Mann and Monroe Creeks, tributaries of the Weiser River. It would cost $3,221,000.

The primary project works would be the Spangler Dam and Reservoir on Mann Creek, together with diversion facilities from the reservoir to the existing Joslin ditch, and drainage facilities for the Mann Creek area of the project.

Spangler Dam would be a rolled earth-fill structure creating a reservoir of 13,000 acre-feet capacity.

Water supply for the irrigated lands in the project areas is now primarily obtained by diverting the natural flows of Mann and Monroe Creeks. However, the natural flows of the creeks are at their lowest points during the critical part of the growing season, when there is the greatest need for this water. This impedes full production, restricting crops largely to hay and grain for livestock feed.

Construction of Spangler Dam would assure adequate water supply during the entire growing season, thereby allowing greater production of livestock feed per acre, and enabling the farmers to include cash row crops in farms which are now marginal in operation. This would improve both the farmer's income and the economy of the area.

In addition to irrigation purposes, this project would benefit fish and wildlife and would provide basic recreational facilities.

A fish trap to transport anadromous fish above the dam would be constructed on Mann Creek, near its confluence with the Weiser River.

The Secretary of the Interior would be charged with arranging with appropriate State or local agencies or organizations for the operation and maintenance of basic recreational facilities.

The cost for both the fish trap and recreational facilities would be nonreimbursable.

There has been extensive local interest in this project. The farmers themselves have aided the Department of Interior's investigations. The total reimbursable costs would be repaid by the irrigators over a 50-year period, with help from surplus power revenues of the Bonneville Power Administration.

The cost-benefit ratio of 1.31 to 1 economically justifies this project, and I hope it will receive favorable consideration by the Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 405) to authorize the Secretary of the Interior to construct, operate, and maintain the Mann Creek Federal reclamation project, Idaho, and for other purposes, introduced by Mr.

CHURCH (for himself and Mr. DWORSHAK), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of providing irrigation water for approximately 5,100 acres, conserving and developing fish and wildlife, and providing recreational benefits, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the facilities of the Mann Creek Federal reclamation project, Idaho. The principal works of the project shall consist of a dam and reservoir, diversion facilities from the reservoir, and drainage facilities.

SEC. 2. The base period provided in subsection (d), section 9, of the Reclamation Project Act of 1939, as amended, for repayment of the construction cost properly chargeable to any block of lands and assigned to be repaid by irrigators may be extended to fifty years, exclusive of any development period, from the time water is first delivered to that block. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within said fifty-year period shall be returned to the reclamation fund from such net revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration as are over and above those required to meet any other present capital costs assigned for repayment from such revenues.

SEC. 3. (a) The Secretary of the Interior is authorized, in connection with the Mann Creek project, to construct basic public recreation facilities but such facilities (other than those necessary to protect the project works and the visiting public) shall not be constructed until an agreement has been executed by the State of Idaho, an agency or political subdivision thereof, or an appropriate local agency or organization to assume the management and operation of the facilities. The cost of constructing such facilities shall be nonreimbursable and nonreturnable under the reclamation laws.

(b) The Secretary may make such reasonable provision in the works authorized by this Act as he finds to be required for the conservation and development of fish and wildlife in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661, and the following), and the portion of the construction costs allocated to these purposes, together with an appropriate share of the operation, maintenance and replacement costs therefor, shall be nonreimbursable and nonreturnable. Before the works are transferred to an irrigation water users' organization for care, operation, and maintenance, the organization shall have agreed to operate them in such fashion, satisfactory to the Secretary, as to achieve the benefits to fish and wildlife on which the allocation of costs therefor is predicated, and to return the works to the United States for care, operation, and maintenance in the event of failure to comply with his requirements to achieve such benefits.

SEC. 4. There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as will be necessary to carry out the purposes of this Act.

U.S. FOREIGN SERVICE ACADEMY

Mr. SYMINGTON. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of a U.S. Foreign Service Academy.

A similar bill was introduced during the last session, and hearings were held before the Committee on Foreign Relations on July 6 and 15 of 1959, with reference to this and similar proposals.

This bill would establish a 4-year undergraduate school for the training of our oversea representatives.

Graduates of this school would be available for the Foreign Service, for work in the State Department, and for assignments with any other agencies of the Government which represent us abroad.

Appointment to such an academy would be made on the basis of competitive examinations and on an allocation similar to that of our three military service academies.

The curriculum of the Academy should, of course, evolve from experience rather than be established at the outset through legislation.

It would seem, however, that the courses of study might well be oriented toward liberal arts, with special emphasis on the study of the history, culture, customs, and languages of the area in which the student was planning to serve.

Field studies in these countries in the summer months would be a valuable part of this training.

It would be important for the training in the Academy to be as broad as possible. With proper supervision, judicious selection of faculty, and the use of visiting professors, the students should be able to achieve the necessary flexibility of skill and viewpoints that our representatives overseas should have.

The establishment of an academy of this character would have many advantages.

First, it would result in our sending better trained representatives to foreign countries.

Second, it would provide a much broader opportunity for American young people interested in serving their country abroad.

And, third, it would provide our Government with a pool of well-trained personnel with a specialty which could be effectively utilized.

Most important, it would put the training and recruitment of Foreign Service officers on a far sounder basis. In the military service academies we have seen that the experience of a 4-year training program, with students of common interests living together, results in a spirit and dedication that can only operate to the benefit of our country.

The United States is, and for a number of years has been, engaged in a protracted conflict with the Sino-Soviet Communist conspiracy. This conflict will continue for a long time.

We are now operating three military academies, training our youth to lead us in case we are attacked in a hot war. Surely we can afford and should promptly provide a Foreign Service Academy to train our youth for the cold war in which we are being attacked economically, politically, and psychologically.

The training we provide in a Foreign Service Academy would be of great benefit not only in combating communism, but also in showing the world the opportunities that exist for a better life through freedom and democracy.

So often it is asked, "What do the peoples of the world want?"

To live in freedom and be treated with dignity; to have a better standard of living and medical care, and an opportunity to provide for themselves and their families in a world of peace. These are the things that Americans have been working on for years.

If we can sell our way of life abroad, we can win this conflict.

Our failings in this area, to date, have not come from lack of effort. Our oversea representatives, for the most part, are dedicated and hard working. However, we have not kept up with other countries in recruiting and training a skillful force of career foreign servants.

By means of the training proposed in this bill, first hundreds, later thousands of dedicated men and women who desire to serve their country effectively will have that opportunity.

I ask unanimous consent that this bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 407) to provide for the establishment of a U.S. Foreign Service Academy, introduced by Mr. SYMINGTON (for himself and others), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Foreign Service Academy Act".

SEC. 2. The Secretary of State is authorized and directed to establish and maintain a United States Foreign Service Academy (hereinafter referred to as the "Academy") for the instruction and training of foreign representatives of the United States Government.

SEC. 3. The Secretary of State may appoint or assign such officers and civilian instructors as the needs of the Academy require.

SEC. 4. The supervision and charge of the Academy shall be in the Department of State, under such officer or officers as the Secretary of State may appoint for or assign to that duty, and under such regulations as the Secretary of State may prescribe.

SEC. 5. In the operation of the Academy the Department of State shall work in conjunction with the Board of Trustees.

SEC. 6. (a) The Board of Trustees shall consist of—

(1) the Secretary of State;

(2) two educators of prominence appointed by the President;

(3) two Members of the United States Senate, of different political parties, appointed by the President of the Senate; and

(4) two Members of the House of Representatives of different political parties, appointed by the Speaker of the House of Representatives.

(b) Members of the Board of Trustees shall be appointed for two-year terms and shall be eligible for reappointment.

SEC. 7. (a) The authorized number of students at the Academy shall be as follows:

(1) four students from each State, two nominated by each Senator from the State;

(2) two students from each congressional district, nominated by the Representative from the district;

(3) two students from Puerto Rico, nominated by its Resident Commissioner;

(4) three students from the District of Columbia, one nominated by each of the Commissioners of the District of Columbia;

(5) one hundred and twenty-eight students from the United States at large—

(A) one nominated by the Governor of each State;

(B) seventy-five nominated by the President; and

(C) three nominated by the Vice President.

(b) No person may be nominated under clauses (1) to (5), inclusive, of subsection (a), unless he is domiciled in the State or in the congressional district from which he is nominated, or in the District of Columbia or Puerto Rico, if nominated from one of those places.

(c) If as a result of redistricting a State the domicile of a student, or a nominee, nominated by a Representative falls within a congressional district other than that from which he was nominated, he shall be charged to the district in which his domicile so falls. For this purpose, the number of students otherwise authorized for that district shall be increased to include him. However, the number as so increased shall be reduced by one if he fails to become a student at the Academy or when he is finally separated from the Academy.

SEC. 8. In order to permit an orderly increase in the number of students at the Academy during the period ending not more than four years after the entrance of the initial class at the Academy, the Board of Trustees may limit the number of students appointed each year during such period.

SEC. 9. The Academy shall operate as a coeducational institution and students shall be appointed thereto on the basis of merit, as determined by a competitive examination to be given annually in each State, the District of Columbia, and the Commonwealth of Puerto Rico, at such time, in such manner, and covering such subject matter as the Secretary of State may prescribe. Students shall be appointed in the order of their merit as established by such examination.

SEC. 10. The students of the United States Foreign Service Academy shall receive the same pay and allowances as are received by cadets at West Point.

SEC. 11. The course of instruction and training for students at the Academy shall be prescribed by the Secretary of State, and shall be the equivalent of the curriculum prescribed by accredited colleges and universities as a prerequisite to the granting of the degree of bachelor of arts. In prescribing such course of instruction and training, the Secretary of State shall provide that special emphasis be placed on the study of the history, culture, customs, folklore, and language or languages of the nations in which students may serve and provide for field studies in such nations. The Academy may arrange to assign temporarily selected students to the Air, Military, and Naval Academies of the United States for instruction in military observation. Upon satisfactory completion of the prescribed course of instruction and training, students shall be granted the degree of bachelor of arts.

SEC. 12. Each student selected for admission to the Academy shall sign an agreement that, unless sooner separated, he will—

(1) complete the course of instruction at the Academy; and

(2) accept an appointment and service, as an officer or employee of the United States, in any position for which he is qualified by reason of his special training at the Academy, for at least the three years immediately following the granting of his degree from the Academy.

SEC. 13. (a) The course of study at the Academy shall, during each year of its operation, be organized as follows:

(1) the months of September to May, inclusive, shall be devoted to classroom instruction of students at the Academy;

(2) the period from June 1 to June 30, inclusive, shall be devoted to annual leave for all students;

(3) the months of July and August shall be devoted to practical field training for students at the Academy.

(b) Such field training shall consist of assigning students for service positions under appropriate departments of the Government, whether within or outside the United States, by a faculty board on field training, with the approval of the Secretary of State.

SEC. 14. (a) Each graduate of the Academy shall be available for appointment as an officer or employee of the United States, in any position for which he is qualified by reason of his special training at the Academy, in accordance with the following priorities:

(1) the Department of State;

(2) the Department of Commerce;

(3) the Department of Agriculture;

(4) the Department of the Treasury;

(5) the Department of Health, Education, and Welfare; and

(6) any other department, agency, or instrumentality of the United States.

(b) The Secretary of State may, notwithstanding any provision of the Foreign Service Act of 1946, appoint a graduate of the Academy as an officer in the Foreign Service of the United States.

SEC. 15. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) The United States Foreign Service Academy shall have power to acquire and hold real and personal property and may receive and accept gifts, donations, and trusts.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have the bill lie at the desk for a week so that Senators who may wish to do so may cosponsor it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

USE OF SURPLUS AGRICULTURAL COMMODITIES TO CARRY OUT CERTAIN FOREIGN AID PROGRAMS

Mr. SYMINGTON. Mr. President, I introduce, for appropriate reference, a bill to amend the Mutual Security Act to require greater use of surplus agricultural commodities in carrying out certain foreign-aid programs.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 408) requiring the use of surplus agricultural commodities in carrying out certain foreign-aid programs, introduced by Mr. SYMINGTON, was received, read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SYMINGTON. Mr. President, for more than 10 years the United States has endeavored to aid nations of the free world in improving their position and their ability to contribute to the common goal of world peace and progress.

Our foreign-aid programs have made significant contributions to that goal.

In view of the current world situation, and the prospects for the future, it would seem apparent that the need for certain types of foreign aid will continue.

In light of this prospect, it is important that the mutual security program be continually reviewed as to possible improvements or perfections in line with changing circumstances.

Mr. President, the bill which I have introduced endeavors to modify the Mutual Security Act in accordance with developments in our domestic agricultural situation.

The productive capacity of American agriculture is well known. Our 5 million farms are able to produce, and have been producing more food and fiber than our own population uses, and more than we have been exporting. Hence, inventories of surplus farm commodities have been accumulating.

All reliable estimates point to a continuation of this situation for some years to come.

Improperly used, this productive capacity can become an economic cancer—not only to agriculture but to the entire Nation.

The PRESIDENT pro tempore. It is with regret that the Chair informs the Senator from Missouri that his 3 minutes, allowed under the rule, have expired and that it is necessary to cut him off at this point.

Mr. SYMINGTON. I plan to speak on a different subject.

The PRESIDENT pro tempore. Apparently the Senator from Missouri is not aware of the new rule that has been adopted, under which each Senator has only 3 minutes as a totality.

Mr. SYMINGTON. Is it in order to ask unanimous consent for additional time on a different subject?

Mr. CASE of South Dakota. Mr. President, I must respectfully object.

The PRESIDENT pro tempore. Objection is heard. The Senator from Missouri, of course, may obtain the floor later. In view of the objection that has been raised, he may not exceed the 3-minute limitation.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the remainder of my remarks on this bill be printed in the RECORD at this point.

There being no objection, the remainder of Senator SYMINGTON'S remarks were ordered to be printed in the RECORD, as follows:

On the other hand, if used wisely, our surplus production can be an important tool in furthering the aims and goals of our country and the entire free world.

The bill I have just introduced recognizes this fact, as well as the prospect of continuing agricultural surpluses and continuing need for foreign aid.

The bill requires that, beginning with fiscal year 1962, 25 percent of the funds available for the mutual security programs—excepting military assistance and the Development Loan Fund—shall be used to finance export and sale of surplus agricultural commodities. The funds generated through this action would be used in accordance with the general purposes of the Mutual Security Act.

Under the present language of the act, section 402, $175 million is earmarked for this purpose.

Under my proposed change, the funds available would be geared to a certain percentage of the total.

In the current fiscal year, the proposed language would result in a substantial increase in funds available under section 402.

I believe the increased use of surplus farm commodities in our foreign aid is desirable, particularly in view of the long-term prospects for a continuation of each.

Therefore, I respectfully request Members of the Senate to give this proposal full consideration.

INDIVIDUAL INCOME TAX REDUCTION ACT OF 1961

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, the Individual Income Tax Reduction Act of 1961.

This bill will increase the annual allowance of deductions for personal exemptions from $600 to $1,000, to become effective at the beginning of the 1961 taxable year.

It is obvious to us all that the $600 figure is wholly unrealistic now, and has been for some time. The soaring cost of living has made it impossible to support an individual for $600 per year. The latest cost of living index published by the Department of Labor now stands at an alltime high of 127.4.

In adjusting the allowance, we shall not only bring our tax structure into a more realistic position, but we shall also give the general economy of the country a much-needed boost. For this measure will, in effect, release immediately nearly $200 million of spendable income weekly into the marketplace, providing thereby substantial stimulus to our national economy.

The need for such a stimulus at this time is urgent.

The latest unemployment figures released by the outgoing administration's Department of Labor, those for November, show an increase of 452,000 over October. Unemployment was shown to be over 4 million, the highest figure for any postwar November.

If the present trend continues and the economy neither improves nor worsens, the outgoing administration's Department of Labor predicts 5.2 million will be unemployed in January and 5.3 million in February. Private sources predict the number of unemployed in February will be closer to 7 million. This is the worst picture of unemployment since World War II.

The outgoing administration anticipated a $4 billion surplus this year, but this has all but dwindled away because of a gradual but persistent deterioration of business conditions. We saw in fiscal 1958 what the decline of business conditions can do to our Federal budget. In that year we experienced the highest peacetime deficit in our history, some $12 billion. It was not because of spending appropriated by the Congress, nor was it because of emergency overspending by Federal agencies. Our greatest peacetime deficit was produced because the business recession of that year reduced taxable income and thereby reduced Federal income. The Federal Government simply cannot afford to allow our businesses to slump again as they did in 1958.

Other economic indicators also show our decline. There is a stepped-up outflow of gold from the United States. The number of jobs in steel, automobiles, and machinery are down. Inventories have climbed to a new record high.

We are in the throes of another recession, and we must act quickly to help speed recovery. I believe one of the most effective ways to deal with the problem is by increasing the net spendable income of America's workers. Increasing the personal income tax exemption immediately will place an extra $200 million weekly into circulation. More goods will be purchased. More services required. Inventories will decrease, and we will see an improvement in the employment figure and tax revenues by this stepped-up industrial activity.

Mr. President, every possible means should be used to avert further recessionary periods. This is one reason why I am advocating an increase in the personal income tax exemption. This is also the reason why I have suggested to the chairman of the Senate Finance Committee that our committee take a broad look at the entire fiscal picture early in the session.

One of our most important duties this session will be to act and act quickly to avert further economic stagnation. I know that a broad attack will be made on this problem to reverse current trends of high unemployment, slow growth, and bad business conditions. One of the main weapons to deal with the problem quickly is to place additional spendable income into the hands of the consumer.

Now is the time to bring our tax structure for individuals and families into proper perspective. The $1,000 deduction allowance is realistic and fair, and the effects that this measure would have on the economy are urgently needed.

I earnestly hope the Senate Finance Committee will begin hearings on this bill early. Action is needed. It is needed now.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 431) to amend the Internal Revenue Code of 1954 so as to increase to $1,000 the amount of each personal exemption allowed as a deduction for income tax purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

ESTABLISHMENT OF THE FORMER DWELLING HOUSE OF ALEXANDER HAMILTON AS A NATIONAL MONUMENT

Mr. JAVITS. Mr. President, I send to the desk, for appropriate reference, on behalf of myself and my colleague the junior Senator from New York [Mr. KEATING], a joint resolution which would preserve as a national monument Hamilton Grange, the private home of Alexander Hamilton in New York City.

The house was built by Hamilton in 1802 and is now located on Convent Avenue, near 144th Street, in upper Manhattan. It is owned by the American Scenic and Historic Preservation Society, which has attempted for several years to raise the funds necessary for the restoration and preservation of the building.

Mount Vernon, Monticello, the Hermitage—almost every schoolchild in the land knows that these were the homes of Washington, Jefferson, and Jackson. The generations of Americans who have visited them have found these houses kept much as they were when their famous owners lived there. In stark contrast is the decaying wooden house at 287 Convent Avenue in New York City, which has a corroded plaque outside with this inscription:

Hamilton Grange: The home of Alexander Hamilton, A.B., A.M., LL.D., statesman, soldier, administrator, lawyer, captain, major general, Member of Congress, member of the New York Legislature, Delegate to the Constitutional Convention, first Secretary of the Treasury, leader of the Federalist Party. He built this house in 1802.

This Congress, sitting nearly 200 years after Hamilton's death, has an opportunity to pay homage to the memory of a Founding Father by acting on the legislation submitted today for the purpose of preserving the Grange as a national monument. It is the only home ever owned by this great American, who was so instrumental in drafting and winning approval of the Federal Constitution. Yet today the Grange is rarely visited. Most of those furnishings which have survived the visits of vandals have been moved to museums for safekeeping. The rotting timbers, the broken windows, and crumbling paint-stripped walls—these are the physical remains of the home of one of this Nation's greatest men, the man who was our first Secretary of the Treasury and created the financial system which helped guarantee the economic survival of the United States in the critical early days of our Union.

There are abundant historic and architectural reasons why the Grange should be restored and open regularly to the American public. It was here that Hamilton retired after outstanding service to his country and commuted to his law practice in Wall Street at the turn of the 19th century. In these rooms he put his affairs in order before departing one dawn for his fateful meeting with Aaron Burr. Today it is one of seven buildings prized by architects as an example of the Federal period. One of the others is New York's City Hall, which still bustles with official business daily. It has never become a historical castoff like the Grange.

Last December the Grange was designated by the Interior Department as a "historic site" and found to possess "exceptional value in commemorating and illustrating the history of the United States." Surely, this action paves the way now for the most serious consideration of establishing the Grange as a national monument, which would assure us that the steps necessary for its preservation will be taken.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument, introduced by Mr. JAVITS (for himself and Mr. KEATING), was received, read twice by its title,

and referred to the Committee on Interior and Insular Affairs.

Mr. KEATING. Mr. President, I ask unanimous consent that the brief remarks I now present may be printed in the RECORD immediately after the remarks of my colleague from New York [Mr. JAVITS], made when he introduced a joint resolution during the morning hour.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, I am pleased to be associated with my colleague, Senator JAVITS, as a cosponsor of the resolution to make Hamilton Grange, the home of the great American statesman, Alexander Hamilton, a national monument. The accomplishments of Alexander Hamilton, the first Secretary of the Treasury, are well known. He established our National Government on a firm basis of fiscal responsibility, and thus helped to insure the permanent survival and success of the constitutional principles of government which he had done so much to build.

His house, the only home that Hamilton ever built and owned for himself, is today squeezed between a church and an apartment building on 144th Street. Federal assistance is needed to move the house from its present location to a site which will be prepared for it on the grounds of City College.

The Interior Department recognized, on December 19, that Hamilton Grange possessed exceptional value and was eligible to receive a certificate as a registered national historical landmark. Surely, it should also be eligible to receive the Federal assistance which is necessary to preserve, as it ought to be preserved, a monument to the great man who lived there.

PROPOSED LEGISLATION RELATING TO JUDICIAL POWER

Mr. TALMADGE. Mr. President, in recent weeks we have seen the long arm of judicial tyranny—which since 1954 has been growing to alarming proportions—stretched further, to enjoin elected Governors and State legislatures from performing their sworn duties to administer and finance public institutions.

We have even seen farmers enjoined from exercising their right as freemen to decide who shall and who shall not work for them.

We have seen set into motion trends toward judicial dictatorship, which, if allowed to continue to their ultimate conclusion, will render impotent every legislative and administrative agency of representative, constitutional government from Washington, D.C., to every State capital and down to the smallest county seats and city halls in this Nation.

Mr. President, if Federal courts can dictate how public funds can and cannot be spent, then we no longer have need of a Congress or State legislatures.

Mr. President, if Federal courts can decree what actions Governors, State agencies, and local school boards can and cannot take, then those offices and departments have become useless luxuries.

Mr. President, if Federal judges who are appointed for life, and are responsible to no one except God, can issue sweeping edicts affecting all facets of the daily lives of all Americans, then the Constitution of the United States has been reduced to an artifact of a free society which no longer exists, except in name.

When I assumed the duties of a U.S. Senator, I took a solemn oath to support and defend the Constitution of the United States against all enemies, foreign and domestic. That is an oath which I did not take lightly; and I would betray my trust to the people of the great State I have the privilege to represent in part if I did not raise my voice in protest against—and do everything within my power as one Member of the Senate to halt and reverse—this accelerating judicial destruction of individual freedom and constitutional government.

Two courses are open to an individual Senator who is seeking to do his duty in this regard:

One is to propose constitutional amendments to correct judicial fiats which have the effect of amending the Constitution of the United States contrary to its provisions. The other is to introduce legislation to exercise the constitutional power of Congress to determine the jurisdiction of Federal courts.

Twice since I have been a Senator, I have taken both courses with respect to the crisis created by the Supreme Court's school decision of May 18, 1954. An equal number of times, I have introduced companion bills to restore that tribunal to its appointed constitutional role.

It is for the purpose of initiating such action for the third time that I rise today; and, in so doing, I serve notice that I intend to continue advocating the measures I offer with every resource at my command for as long as I have the privilege of serving in this body the people of Georgia. I urge other Senators who share my sense of alarm over the present trend of events to join with me in so doing.

Mr. President, it was 2 years ago this month that I first introduced for myself and eight of my like-minded colleagues a proposed constitutional amendment to end for all times the continuing controversy which is disrupting the progress of education in this country.

The response to the proposal was enthusiastic, and those of us who offered it were greatly encouraged by the extensive hearings which were held on it in the spring of 1959. But our high hopes were dashed when the Subcommittee on Constitutional Amendments voted 3 to 2 to reject it, rather than to rewrite it to meet the various objections which were raised to it.

We revised the language of the proposed amendment, to meet each of the objections which were voiced to it; and the new version was reintroduced last January. Unfortunately, in the political passions of an election year, it was not considered on its merits; and it died with the adjournment of the 86th Congress.

Now, Mr. President, we enter a new Congress and, soon, a new administration, on a note of crisis in Federal-State relations. The distracting influences which prevented a deliberate, dispassionate consideration of the Talmadge school amendment are not now present. This is a year when Senators can give undivided attention to practical, rather than political, solutions to the problems which confront us as a nation.

It is therefore, in the hope that such will be the case, particularly in the light of the alarming trends which I have cited, that today I again introduce—for myself and the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the Senator from South Carolina [Mr. JOHNSTON], the Senators from Alabama [Mr. HILL and Mr. SPARKMAN], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and the Senators from Louisiana [Mr. ELLENDER and Mr. LONG]—our proposed constitutional amendment to restore control over public education to the States, with specified safeguards to protect the constitutional rights of every parent and schoolchild of the Nation.

I ask unanimous consent, Mr. President, that the joint resolution embodying the proposed amendment be read twice, appropriately referred, and printed herewith in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 30) proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools, introduced by Mr. TALMADGE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"Notwithstanding any other provision of this Constitution, every State shall have exclusive control of its public schools, public educational institutions, and public educational systems, whether operated by the State or by political or other subdivisions of the State or by instrumentalities or agencies of the State. Nothing contained in this article shall be construed to authorize any State to deny to any pupil because of race, color, national origin, or religious belief the right to attend schools equal in respect to the quality and ability of the teachers, curriculum, and physical facilities to those attended by other pupils attending schools in the same school system."

Mr. TALMADGE. Mr. President, I further ask unanimous consent that the speech which I made before the Senate on last January 28, explaining the provisions of, and need for, this measure, also be printed at this juncture in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STATE CONTROL OF PUBLIC EDUCATION

Mr. TALMADGE. Mr. President, last January, eight colleagues and I introduced a proposed constitutional amendment which we sincerely felt offered a reasonable and realistic solution to the worsening educational crisis growing out of the Supreme Court's 1954 decision prohibiting separate schools for the races.

The proposal was widely acclaimed not only in the South but also in all other sections of the country. Many newspapers carried editorials commenting favorably upon it and I had a number of them printed in the CONGRESSIONAL RECORD. I received hundreds of letters from individuals throughout the Nation endorsing the approach proposed by the Talmadge school amendment as fair, sound, and workable.

Extensive public hearings were held last May by the Subcommittee on Constitutional Amendments at which an impressive number of responsible and respected leaders, including some of the country's best legal scholars testified in support of so amending the Constitution of the United States. The 282-page printed transcript of testimony taken at those hearings stands as irrefutable proof of the fact that support of the Talmadge school amendment is not limited to any one region, but is national in scope.

Unfortunately, the joint resolution embodying the proposed amendment was tabled in the subcommittee by a vote of 3 to 2 as the result of some of the specious objections which were raised to it.

There were some who contended that the language was too broad.

There were others who maintained that it opened the door to economic, religious and racial discrimination.

There were others who insisted that it would nullify the guarantee of "equal protection of the laws" contained in the 14th amendment.

There were others who charged that it would result in all manner of lowered standards, capricious regulations, and restricted educational opportunity.

Of course, Mr. President, all of those fears were completely groundless, and those of us sponsoring the proposed amendment sought so to assure the members of the subcommittee. As the principal author, I advised them that the sponsors would welcome any clarifying language which they felt was needed to allay the various apprehensions which had been expressed.

It was disappointing, therefore, that the subcommittee decided to table the proposal rather than revise its wording and give the full Committee on the Judiciary an opportunity to pass on it.

Consequently, the other sponsors and I have endeavored to rewrite the original joint resolution in an effort to satisfy the objections which have been raised to it, while, at the same time, striving to preserve the original objective of restoring control over public education to the States as intended by the framers of the Constitution. The result of our efforts is contained in a new joint resolution which I shall offer for introduction and appropriate reference at the close of my remarks.

Our revised amendment would read as follows:

"Notwithstanding any other provision of this Constitution, every State shall have exclusive control of its public schools, public educational institutions, and public educational systems, whether operated by the State or by political or other subdivisions of the State or by instrumentalities or agencies of the State: *Provided, however,* That nothing contained in this article shall be construed to authorize any State to deny to any pupil because of race, color, national origin, or religious belief the right to attend schools equal in respect to the quality and ability of the teachers, curriculum, and physical facilities to those attended by other pupils attending schools in the same school system."

Mr. President, it is my firm belief that this new language for the Talmadge school amendment should serve to set at rest all the fears of those who have had doubts either as to the motives of its sponsors or as to the ultimate result of its application.

Nothing in that language, Mr. President, would relieve any State of its obligation within the context and intent of the 14th amendment to guarantee all of its citizens equal protection of the laws. It would merely assure for all time to come that insofar as public education is concerned, no State could be deprived of its constitutional right to operate its public schools in accordance with the wishes of its citizens within the limits of constitutional guarantees.

Let me point out and emphasize, Mr. President, that the Talmadge school amendment is neither a segregation nor an integration measure. It rather is a proposal to reassert affirmatively the time-honored right of local people to administer their schools on the State and local levels in accordance with prevailing conditions, circumstances and attitudes. Under it, school patrons in each State would be free to determine for themselves through their elected representatives whether segregation, integration, or some median procedure would best serve the interests of their children and State.

The basic question involved is far more fundamental than the mere matter of who attends what school. It goes to the very heart of our concept of constitutional republican government; that is, the right of local self-determination.

The bedrock of our form of government is, in the words of the Declaration of Independence, that it derives its "just powers from the consent of the governed." And whenever we in this country get away from that foundation of our freedom, as of that moment we will have ceased to be a nation in which the people govern themselves.

Mr. President, I recognize that on the issue of separation of the races in the schools of the Nation there is a wide divergence of opinion and individual feelings are strong and inflamed on both sides. Many false emotional factors have been injected, and those undoubtedly account for the fact that the Talmadge school amendment to date has not been considered on its merits.

As I endeavored to stress when I introduced the original version of the amendment last year, Mr. President, the constitutional and sociological ramifications of the Supreme Court's school ruling have stirred a continuing controversy which has divided the best minds of the country.

There are two opposing camps of opinion—those who consider the decision to be the law of the land and who are determined to force its implementation regardless of the results and those, like myself, who consider the decision to be outside the scope of the Constitution and who are dedicated to seeking its reversal by every lawful means.

On one hand, there is the accomplished fact of a Supreme Court edict, while on the other hand the overwhelming majority of the people of the South will neither accept nor submit to the forced implementation of it.

The only realistic, constitutional way by which the public schools in many areas of the South can be spared the fate of being crushed between those two millstones lies in recognizing that public schools are local institutions which must be operated by local people on the State and local levels if they are to survive.

It was with the view of affording such a solution that the original Talmadge school amendment was proposed last year, and it is with that same objective in mind that the revised version is being presented at this session.

I ask unanimous consent, Mr. President, to have the text of my statement before the Senate upon the introduction of the original amendment on January 27, 1959, printed at this juncture in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"PROPOSED AMENDMENT TO THE CONSTITUTION TO VEST EXCLUSIVE ADMINISTRATVE CONTROL OF PUBLIC SCHOOLS IN THE STATES AND THEIR POLITICAL SUBDIVISIONS

"Mr. TALMADGE. Mr. President, no one can view dispassionately the recent course of events which has resulted in the closing of public schools in various localities of the South without experiencing a deep sense of sorrow.

"Neither can one objectively contemplate a future in which those events are allowed to continue to their ultimate conclusion without experiencing a shocking sense of alarm.

"The closing of any school anywhere is a lamentable occurrence.

"The closing of a public school system is a terrible tragedy.

"The destruction of public education in an entire region of our Nation would be an unparalleled catastrophe.

"Yet, Mr. President, a realistic appraisal of the facts of the matter affords no conclusion but that that will be the inevitable result of binding the citizens of the South in the chains of circumstance now being forged around them.

"And the real losers of such an eventuality unfortunately will be those who will have the least to say about it—the schoolchildren of the South and their parents.

"The importance of education hardly can be overstated.

"With the exception of seeking the salvation of his immortal soul, man has no greater responsibility than seeing that his young are educated to the fullest extent of their abilities and are equipped spiritually and intellectually to achieve mankind's highest destiny.

"The American concept of universal education, more than any other factor, is responsible for the greatness which this Nation has achieved. And it very likely may prove to be the determining factor in the outcome of our present life-or-death struggle with international communism.

"This critical juncture in our national life is no time to permit divisive issues to rob the Nation of the minds and talents of a great segment of its youth by closing the doors of the public schools in their faces.

"It is time, Mr. President, that someone spoke out in behalf of the voiceless masses who will suffer the consequences of such rash action.

"From their standpoint there is little difference between those who would destroy public schools with bombs and those who would close them with court orders.

"The end result of both actions is the same—to deny the children affected their right to a public education.

"Let us put the question in its proper perspective.

"The constitutional and sociological ramifications of the decision of the Supreme Court that separate, but equal, education is violative of the 14th amendment have stirred a continuing controversy which has divided the best minds of the country.

"There are those who consider the decision to be the law of the land and who are determined to force its implementation regardless of the results.

"There are others, like myself, who consider the decision to be outside the scope of the Constitution, and who are dedicated to seeking its reversal by every lawful means.

"Since there is no likelihood that those two viewpoints ever will be reconciled, it is essential to the future welfare of the Nation that all citizens face up to the two incontrovertible facts of the situation. They are these: First, regardless of whether one accepts it or not, the Supreme Court's school decision is an accomplished fact which will remain so until it either is reversed by the Court itself or is nullified or modified by Congress or the people; and, second, regardless of whether one likes it or not, the overwhelming majority of the people of the South will neither accept nor submit to the forced implementation of that decision and there is no prospect of any change in that position within the foreseeable future.

"Therefore, Mr. President, unless it is the wish of the Senate and the Congress that the Nation be torn asunder and the schools of the South destroyed, action must be taken soon to resolve the issue on a realistic, constitutional basis in the light of the facts just stated.

"To those who insist that compliance be compelled by Federal force, I would point out the disastrous consequence of such an attempt in Little Rock, Ark.

"Federal bayonets are not the answer.

"To those who would have the Federal Government finance and operate the schools of the South, I would point out the abhorrent results we have witnessed in our lifetimes from the attempts by Nazi Germany and Communist Russia to control education at the national level.

"Federal control of education is not the answer.

"To those who advocate inaction and who would sit by idly and smugly while children go without an education, would point out the unspeakable hypocrisy of using children as pawns of political expediency.

"Rearing a generation in ignorance is not the answer.

"What, then, Mr. President, is the answer?

"That is a question to which I have given 2 years of serious thought and careful study and about which I have sought the ideas and advice of lawyers and laymen throughout my State and region.

"In all candor I must admit, Mr. President, that I do not believe any one man, any one legislative body or any one court could devise a comprehensive answer which would cover all situations and meet all contingencies inherent in the present controversy.

"That is why I am convinced that the historians of the future will record as one of the gravest and most costly mistakes of our Nation the decision of the Supreme Court to make judicial questions out of matters of human relations which the sum total of the experience of mankind dictates should be left to the orderly process of evolution.

"But now that the Court has arrogated unto itself the authority to release the unknown contents of this Pandora's box, I submit, Mr. President, that it is now incumbent upon Congress to act to provide for the resolution of the resulting problems and tensions in a way compatible with American constitutional concepts.

"That way, Mr. President, lies in the recognition of the fundamental fact that public schools in the United States are local institutions which have been established and are operated and financed by local people on the local level.

"That way lies in freeing the Governors, legislatures, and school boards of the individual States to deal with each situation in the light of its own peculiar circumstances and in accordance with prevailing public opinion.

"That way lies in removing external pressures seeking to force compliance with unacceptable directives and edicts and rather permitting local school patrons to determine for themselves the manner in which the schools attended by their children shall be administered.

"That way can be paved, Mr. President, by the submission by this Congress for ratification by the States of an amendment to the Constitution of the United States which would read as follows:

" 'Administrative control of any public school, public educational institution, or public educational system operated by any State or by any political or other subdivision thereof, shall be vested exclusively in such State and subdivision and nothing contained in this Constitution shall be construed to deny to the residents thereof the right to determine for themselves the manner in which any such school, institution, or system is administered by such State and subdivision.'

"Under such a constitutional provision, the citizens of each State and subdivision would be left free to determine for themselves—in accordance with local conditions and procedures and prevailing attitudes—how and when their schools, would comply with the Supreme Court's school decision.

"Such a provision would prevent destruction of the public schools of the South and would end for all time any threat from any quarter of Federal control of education.

"Such a provision would assure uninterrupted instruction for all children, regardless of their color or place of residence.

"Such a provision would permit either retention of the status quo or orderly change as dictated by the requirements of public opinion and make certain that whatever change might take place would be by the constructive process of evolution rather than the destructive process of revolution.

"Such a provision would create a basis for unity throughout the Nation at a time when it is vitally important that we present a united front before our enemies.

"It goes without saying that the course I advocate will not be acceptable to those who wish to further their own partisan ambitions by punishing the South or to those who prefer for selfish reasons to keep the issue unresolved.

"But I submit, Mr. President, that it offers a constitutional solution to a national dilemma which is compatible with everything that is American and affords the one way in which those of us who disagree on the constitutional and sociological questions at issue can meet on firm common ground to serve the best interests of the present and future generation of American youth.

"I sincerely believe that there is not a Member of this Congress—regardless of the degree of his personal belief on this question—who could not vote for such an amendment with a clear conscience and in complete consistency with his principles.

"As for myself I am and always have been a stanch adherent of the principle of local self-government and local self-determination. I regard it as the cornerstone of our freedom; and there is not an issue in our national life today to which I would not be willing to apply it without reservation.

"I cannot bring myself to believe that any Member of the Senate who sincerely desires to see this disruptive issue peacefully and permanently resolved, and who genuinely is concerned about the welfare of all the children of this Nation, would oppose the submission of such an amendment.

"I cannot comprehend any thinking individual ever opposing the submission of any proposition to a vote of the people or their elected representatives.

"The very basis of our form of government is, in the words of the Declaration of Independence, that it derives its just powers from the consent of the governed.

"That is the crux of the present effort to force a new social order upon the South by judicial dicta—it is being done without the consent of the people directly affected.

"The sentiment of the people of my State of Georgia is best summarized by two editorial excerpts.

"The first, from the column of David Lawrence in the July 3, 1959, issue of U.S. News & World Report, states:

" 'The question before the country today is whether communities are free to adjust their school system to meet their own local conditions and local sentiment. Those States which desire to integrate their schools ought to have the sovereign right to do so, and those which desire to operate mixed schools in some counties and separate their schools in other counties, either by color or by sex or by intelligence tests, should have the same sovereign right.'

"The second, from an editorial by Editor James H. Gray in the November 27, 1958, issue of the Albany (Ga.) Herald, reads:

" 'Surely, if commonsense is going to be injected into this question—and there has been too little of that because of the political capital that is being made of the votes of minority groups—this vital principle of consent of the governed must be maintained. Obviously, it can only be safeguarded by careful attention being paid to local conditions and local sentiment. * * * Freedom cannot flourish in a society where Federal force and political whims are the predominant cementing elements.'

"It is interesting to note, Mr. President, that the 2d session of the 85th Congress in two separate enactments affirmed the local nature of public schools and provided for their control on the local level.

"In the National Defense Education Act, Congress decided:

"The Congress reaffirms the principle and declares that the States and local communities have and must retain control over, and primary responsibility for, public education.

"In the Alaska Statehood Act, Congress provided in section 6(j) that 'the schools and colleges provided for in this act shall forever remain under the exclusive control of the State, or its governmental subdivisions.'

"The States of the South, with no disrespect to their sister State of Alaska, feel they are equally entitled to exclusive control of their schools and colleges. The amendment I am offering today, if submitted and ratified, would assure for all time that all States would enjoy that right.

"The Supreme Court in its initial decision acknowledged the variety of local problems presented by its ruling and instructed the district courts to take local conditions into account in formulating their decrees under it. However, when the Little Rock district court sought to do just that last year, the High Court reversed itself and held that integration would have to proceed despite local conditions and the public interest.

"The Supreme Court thus has sought to establish itself—without benefit of constitutional or legislative authorization—as a super board of education superior to the Constitution, to Congress, and to the consent of the people. In the course of less than 5 years it has so disrupted laws governing education that every school in the Nation now is subject to the whims of whatever five men happen to constitute a majority of the Court.

"I do not believe, Mr. President, that it is the intent of this Congress or the wish of the people of this Nation that the local schools which were paid for and are financed on the local level should be at the mercy of a court which has no knowledge of educational needs or the public interest in fulfilling them.

"Of all our public institutions, none are more needful or deserving of stability and continuity than are our schools. It is inconceivable that the younger generation can

be educated for responsible citizenship in the future under continually changing rules of instruction.

"It is basic in organized society that the rights and wishes of the individual must be subordinated to the dictates of public opinion and the requirements of public interest. And it would be well for members of all three branches of Government—executive and judicial as well as legislative—to reflect upon the fact that the source of all law is the people and that laws and court decisions are enforcible only to the degree that they conform to the consent of the governed.

"It is with the desire to invoke our heritage of the 'consent of the governed' that I herewith submit for appropriate reference a constitutional amendment which would vest exclusive administrative control of public schools in the States and their political subdivisions.

"Mr. President, I introduce the joint resolution on behalf of myself and the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON], the senior Senator from South Carolina [Mr. JOHNSTON], the Senators from Alabama [Mr. HILL and Mr. SPARKMAN], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and the Senator from Louisiana [Mr. LONG].

"Mr. President, I ask unanimous consent that the joint resolution may be read twice by its title and appropriately referred.

"The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

"The joint resolution (S.J. Res. 32) proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools, introduced by Mr. TALMADGE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

"Mr. TALMADGE. Mr. President, I ask unanimous consent that the joint resolution may be printed in the RECORD at this point.

"The PRESIDING OFFICER. Without objection, it is so ordered.

"The joint resolution was ordered to be printed in the RECORD, as follows:

"'*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"' "ARTICLE —

"' "Administrative control of any public school, public educational institution, or public educational system operated by any State or by any political or other subdivision thereof, shall be vested exclusively in such State and subdivision and nothing contained in this Constitution shall be construed to deny to the residents thereof the right to determine for themselves the manner in which any such school, institution, or system is administered by such State and subdivision." '

"Mr. TALMADGE. Mr. President, as I observed earlier, there are those who prefer the issue and there are those who genuinely want to resolve it.

"I hope that two-thirds of the Members of the Senate and of this 86th Congress count themselves in the latter category, and will be willing to stand up and be so counted.

"This amendment is compatible with everything that is American. It is the American way. It is the constitutional way. It is the way of reason and commonsense.

"I pray, Mr. President, that for the future of education in the United States this 86th Congress will give the people of America, through it, the opportunity to reclaim their constitutional rights to run their schools on the local level according to the wishes of local people."

Mr. TALMADGE. Mr. President, the argument that the Talmadge school amendment would result in lowered standards, capricious regulations, restricted educational opportunity, and various fancied forms of racial, religious, and economic discrimination is a gross insult to the intelligence, vision, aspirations, and humanity of all Americans of all regions.

No responsible individual would advocate or condone any backward step in the quality or quantity of American education. All thinking citizens recognize that the great need of our Nation in this era of scientific and technological revolution is for more and better education, and the extraordinary efforts which the citizens of the South presently are making to provide such education for all children of all races, national origins, and religions bespeaks more eloquently of their sincerity and good faith in this regard than anything I might say.

There would be no curtailment or infringement of educational opportunity for children of any race in the South as the result of the incorporation of the Talmadge school amendment into the Constitution of the United States. To the contrary the actual result would be an acceleration of the present effort to improve the educational opportunity of all children to justify the confidence of the remainder of the Nation in giving specific constitutional recognition to the right of the people of the South to work out solutions to their problems in accordance with the prevailing situation in each particular State.

Mr. President, the American people will have degenerated to a sad state indeed when, as some opponents of the Talmadge school amendment contended last year, the Supreme Court and its strained interpretations of the 14th amendment are the only remaining safeguards against inferior education in this country.

Fortunately for the Nation, Mr. President, the American people do not have so low an opinion of their conscience, sense of justice and fair play and ability to manage their own affairs as do some of their detractors on the national scene.

It is to give the American people the opportunity to prove that point, Mr. President, that I introduce for myself and the Senators from Virginia [Mr. BYRD and Mr. ROBERTSON] the Senator from South Carolina [Mr. JOHNSTON], the Senators from Alabama [Mr. HILL and Mr. SPARKMAN], the Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS], and the Senator from Louisiana [Mr. LONG] a proposed constitutional amendment and ask unanimous consent that it be read twice, appropriately referred, and printed in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 154) proposing an amendment to the Constitution of the United States reserving to the States exclusive control over public schools, introduced by Mr. TALMADGE (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States:

"'ARTICLE —

"'Notwithstanding any other provision of this Constitution, every State shall have exclusive control of its public schools, public educational institutions and public educational systems, whether operated by the State or by political or other subdivisions of the State or by instrumentalities or agencies of the State: *Provided, however*, that nothing contained in this article shall be construed to authorize any State to deny to any pupil because of race, color, national origin or religious belief the right to attend schools equal in respect to the quality and ability of the teachers, curriculum and physical facilities to those attended by other pupils attending schools in the same school system.'"

Mr. TALMADGE. Mr. President, I think the facts I have recited support the conclusion that the gravest internal crisis to confront this country in recent years is the abuse of judicial power.

It was to the correction of that abuse that I directed a series of four bills which I introduced shortly after assuming my seat in this body, at the beginning of the 85th Congress. I presented the same measures again early in the 86th Congress; and I am today offering them for a third time.

The bills which I propose would:

First. Require Supreme Court Justices to have as a minimum qualification of at least 5 years of substantial judicial experience.

Second. Require the Supreme Court to accord full hearings to all parties before acting upon lower court decisions.

Third. Require jury trials in all cases of contempt arising from the disobedience of any Federal court order.

Fourth. Withdraw the jurisdiction of all Federal courts over matters relating to the administration of public schools by the States and their subdivisions.

These bills—coupled with the constitutional amendment which I earlier offered for myself and nine colleagues—constitute what I consider to be a minimum affirmative program for restoring a constitutional balance of power between the Federal Government, on the one hand, and the rights of the States and their individual citizens, on the other. I deeply regret that—political realities being what they are—my proposals to date have not received the serious consideration they deserve. I sincerely hope, and respectfully urge, that they be accorded full hearings and due deliberation during this 87th Congress.

The future of constitutional government and individual and States rights demands no less.

Mr. President, I herewith introduce these four bills—the first three with the cosponsorship of the senior Senator from Louisiana [Mr. ELLENDER]—and ask unanimous consent that they be read twice, appropriately referred, and their texts be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. TALMADGE, were received, read twice by their title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD as follows:

By Mr. TALMADGE (for himself and Mr. ELLENDER):

S. 409. A bill to establish qualifications for persons appointed to the Supreme Court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

"No person shall be appointed after the date of enactment of this paragraph to the office of Chief Justice of the United States or to the office of Associate Justice of the Supreme Court unless, at the time of his appointment, he has had at least five years of judicial service. As used in this paragraph 'judicial service' means service as an Associate Justice of the Supreme Court, a judge of a court of appeals or district court of the United States, or a justice or judge of the highest court of a State."

SEC. 2. (a) The caption of section 1 of title 28, United States Code, is amended to read as follows:

"§ 1. Number of justices; quorum; qualifications."

(b) The analysis of chapter 1 of title 28, United States Code, is amended by striking out

"1. Number of justices; quorum."

and inserting in lieu thereof

"1. Number of justices; quorum; qualifications."

By Mr. TALMADGE:

S. 410. A bill to require that litigants in cases reviewed by the Supreme Court be accorded an opportunity for hearing before that Court, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2106 of chapter 133 of title 28 of the United States Code is amended by adding at the end thereof the following new paragraph:

"The Supreme Court shall not upon review of any case affirm, modify, vacate, set aside, or reverse any judgment, decree, or order of any court unless each party to such case has been accorded full opportunity for hearing thereon before the Supreme Court, including opportunity for the presentation of oral argument before such Court."

By Mr. TALMADGE (for himself and Mr. ELLENDER):

S. 411. A bill to prescribe the procedure of courts of the United States in the issuance of injunctions and the punishment of disobedience thereof, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 3691 and 3692 of title 18 of the United States Code are amended to read as follows:

"§ 3691. Jury trial of criminal contempts—generally

"Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States (other than an injunction or restraining order) by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

"This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

"§ 3692. Jury trial of criminal contempts—injunctions and restraining orders

"In all cases of contempt arising from the disobedience of any injunction or restraining order the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed. This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

"No individual may be punished for contempt arising from the disobedience of any such injunction or restraining order unless—

"(a) such individual was a party to the proceeding in which such injunction or restraining order was issued, or willfully combined or conspired with any party to such proceeding to violate any prohibition or requirement of such injunction or restraining order;

"(b) such individual before such disobedience received notice of the terms and conditions of such injunction or restraining order through (1) the service upon him of a true and correct copy of such injunction or restraining order, or (2) a full and complete oral explanation of the provisions of such injunction or restraining order and the effect thereof given by the judge in open court in the presence of such individual at the time of the issuance thereof; and

"(c) the prohibitions and requirements of such injunction or restraining order were described therein with sufficient particularity and certainty to provide adequate notice to such individual as to the specific acts prohibited or required thereby.

This paragraph shall not apply to any proceeding for the punishment of any individual for any act or omission committed in his capacity as a director, officer, employee, agent, or member of, or attorney for, any corporation, partnership, association, or labor union in disobedience of any injunction or restraining order issued against and duly served upon such corporation, partnership, association, or labor union."

(b) The analysis of chapter 233 of such title is amended to read as follows:

"Sec.
"3691. Jury trial of criminal contempts—generally.
"3692. Jury trial of criminal contempts—injunctions and restraining orders.
"3693. Summary disposition or jury trial; notice—rule."

SEC. 2. (a) Chapter 155 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 2285. Injunctions and restraining orders—requirements

"Every injunction or restraining order issued by any court of the United States must describe each prohibition and requirement imposed thereby with sufficient particularity and certainty to provide adequate notice to each individual subject thereto as to the specific acts prohibited or required thereby. Each such injunction or restraining order must name specifically each individual who is subject to each prohibition and requirement imposed thereby, except that—

"(a) an injunction or restraining order issued against any corporation, partnership, association, or labor union may be made applicable to directors, officers, employees, agents and members thereof, and attorneys therefor, without naming in such injunction or restraining order each such individual; and

"(b) an injunction or restraining order may be issued against a specifically described class or group of individuals if (1) the court determines, upon a satisfactory showing made by the applicant therefor, that each such individual cannot be named specifically and that the applicant would suffer immediate irremediable harm if such injunction or order were not made applicable with respect to such class or group, and (2) such injunction or restraining order provides specifically that it shall not apply with respect to any individual until such individual has received notice of the terms and conditions of such injunction or restraining order through (A) the service upon him of a true and correct copy thereof, or (B) a full and complete oral explanation of the provisions thereof and their effect given by the judge in open court in the presence of such individual at the time of the issuance thereof.

This section shall not relieve any court or party from compliance with any additional requirement prescribed by any statute or rule of court for the issuance of any injunction or restraining order."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"2285. Injunctions and restraining orders—requirements."

S. 412. A bill to amend chapter 21 of title 28 of the United States Code with respect to the jurisdiction of the justices, judges, and courts of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That (a) chapter 21 of title 28 of the United States Code, entitled "General provisions applicable to courts and judges", is amended by adding at the end thereof the following new section:

"§ 461. Jurisdiction; limitations

"No justice, judge, or court of the United States shall have jurisdiction to hear, determine, or review, or to issue any writ, process, order, rule, decree, or command with respect to, any case, controversy, or matter relating to the administration, by any State or any political or other subdivision of any State, of any public school, public educational institution, or public educational system operated by such State or subdivision."

(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"461. Jurisdiction; limitations."

Mr. TALMADGE. Mr. President, I also ask unanimous consent that the texts of the speeches which I delivered before the Senate in 1959, explaining the provisions of, and the need for these bills, be printed herewith in the RECORD at the conclusion of my remarks.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

MINIMUM QUALIFICATIONS FOR APPOINTMENT TO THE SUPREME COURT OF THE UNITED STATES

Mr. TALMADGE. Mr. President, the Constitution of the United States sets forth specific qualifications which must be met by those desiring to serve as President or Members of either of the two Houses of Congress.

But it is completely and strangely silent on the question of the qualifications which should be possessed by Justices of the Supreme Court of the United States.

Section 2 of article II specifies that Justices shall be appointed by the President by and with the advice and consent of the Senate.

Section 1 of article III provides that Justices shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Those are the only references in the Constitution to the office of Justice of the Supreme Court of the United States.

And the only logical conclusion which can be drawn therefrom is that there is no legal limitation upon the President as to the back-

ground and experience of those he nominates to serve on the bench of the Nation's Highest Tribunal.

He could appoint a plumber.

He could appoint a high school student.

He could appoint an alien.

Or he could appoint himself.

The failure of the framers of the Constitution to require that particular qualifications be possessed by the principal jurists of the country was a source of grave concern to the citizens to whom it was submitted for ratification. The people foresaw great danger to the Republic in a wide-open Federal judiciary composed of handpicked judges appointed for life and exercising power limited only by whatever exceptions Congress might choose to make.

Had it not been for the soothing assurances of Alexander Hamilton, that point well might have jeopardized approval of the Constitution. But Hamilton called such fears a phantom and maintained that there were so few men with sufficient skill in the laws to qualify them for the station of judges that the public could count on the selection of judges possessing those qualifications which fit men for the stations of judges.

Until the last quarter of a century, Hamilton's assurances held true. But for the past 25 years we have seen the fears of the early citizens of this Republic realized.

We have seen men appointed to the High Tribunal totally devoid of any of the tributes which Hamilton would have considered to "fit men for the stations of judges."

We have seen appointments made on the basis of political persuasion rather than the qualifications of the appointees.

The great mischief done by the resulting revolutionary innovations in constitutional law is evidenced by the growing demand throughout the Nation for Congress to enact legislation restoring the Supreme Court to its appointed constitutional role.

To illustrate my point, Mr. President, let us look at the present composition of the Supreme Court.

Of the nine Justices, only five have had any judicial experience and one of those received his experience as a police court judge. With the exception of Justice Brennan, none of the Justices had prior judicial experience of more than 5 years.

Only two of the nine Justices ever served as judge of a State or Federal court of general jurisdiction.

Only one of the nine Justices ever served as judge of a State appellate court.

Only three of the nine Justices ever served as judge of a Federal appellate court inferior to the Supreme Court.

The backgrounds of the other Justices are ones of Governor, Attorney General, Government official, and professor.

A majority of the members of the present Court did not even devote their major efforts to the professional practice of law before they were appointed to the Bench.

It is small wonder then, Mr. President, that the Supreme Court in recent years has been totally lacking in the restraint which must be inherent in the judicial process if judges are to adjudicate the cases and issues before them in the light of the Constitution, the law and precedent rather than their personal prejudices or political opinions.

The importance and necessity for judges to be possessed of restraint inherent in the judicial process was magnificently stated by a Member of this body—the learned and distinguished senior Senator from North Caroline [Mr. ERVIN], who himself is a graduate of the bench—in an address before the Texas bar in 1956. I would like to read from his remarks as follows:

"What is the restraint inherent in the judicial process? The answer to this query appears in the statements of Hamilton. The restraint inherent in the judicial process is the mental discipline which prompts a qualified occupant of a judicial office to lay aside his personal notion of what the law ought to be, and to base his decision on established legal precedents and rules.

"How is this mental discipline acquired? The answer to this question likewise appears in the statements of Hamilton. This mental discipline is ordinarily the product of long and laborious judicial work as a judge of an appellate court or a trial court of general jurisdiction. It is sometimes the product of long and laborious work as a teacher of law. It cannot be acquired by the occupancy of an executive or legislative office. And, unhappily, it can hardly be acquired by those who come or return to the law in late life after spending most of their mature years in other fields of endeavor.

"The reasons why the mental discipline required to qualify one for a judicial office is ordinarily the product of long and laborious work as a practicing lawyer, or as an appellate judge, or as a judge of a court of general jurisdiction are rather obvious. Practicing lawyers and judges of courts of general jurisdiction perform their functions in the workaday world when men and women live, move, and have their being. To them, law is destitute of social value unless it has sufficient stability to afford reliable rules to govern the conduct of people, and unless it can be found with reasonable certainty in established legal precedents. An additional consideration implants respect for established legal precedents in the minds of judges in courts of general jurisdiction and all appellate judges other than those who sit upon the Supreme Court of the United States. These judges are accustomed to have their decisions reviewed by higher courts and are certain to be reminded by reversals that they are subject to what Chief Justice Bleckley of the Supreme Court of Georgia called the fallibility which is inherent in all courts except those of last resort if they attempt to substitute their personal notions of what they think the law ought to be for the law as it is laid down in established legal precedents."

Mr. President, the fact that a man may possess a brilliant intellect, have fine attributes of character, and be actuated by the loftiest of motives does not necessarily qualify him to serve as a judge. Men who are excellent teachers, successful executives, and outstanding legislators do not automatically possess those characteristics which shape the temperament of a true judge.

Regardless of how one many feel about given decisions of the Supreme Court, any fairminded person will agree that its present members are gentlemen of notable attainment and outstanding accomplishments in their fields. But the fact nevertheless remains that the majority of them have not labored as practicing lawyers or as judges in State and Federal courts inferior to the Supreme Court. Consequently, events have found them either unable or unwilling to subject themselves to judicial restraint or to sublimate their own beliefs and conclusions to the provisions of the Constitution and the laws of the land.

For the past 25 years the Senate has made little use of its constitutional power to advise with and consent to the appointments of Supreme Court Justices by the President. By and large, confirmations have been made without record votes.

It is more than passing strange to note, Mr. President, that the degree of judicial usurpation of legislative power has been in the same proportion that the Senate has failed to exercise its power and responsibilities with respect to the confirmation of Justices.

Congress has the power to restore the Court to its proper function, not only through the limitation of its jurisdiction but also under paragraph 18, section 8, article I of the Constitution which provides:

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

It is under authority of that paragraph, Mr. President, that I today introduce for appropriate reference and consideration a bill proposing the addition of a new paragraph to section 1 of title 28 of the United States Code. That new paragraph would read as follows:

"No person shall be appointed after the date of enactment of this paragraph to the office of Chief Justice of the United States or to the office of Associate Justice of the Supreme Court unless, at the time of his appointment, he has had at least 5 years of judicial service. As used in this paragraph, 'judicial service' means service as an Associate Justice of the Supreme Court, a judge of a court of appeals or district court of the United States, or a justice or judge of the highest court of a State."

Since the Constitution is silent as to the qualifications which Justices should possess, Mr. President, I feel it is incumbent upon Congress to bind the Chief Executive by at least minimum requirements which must be met by his appointees to the Nation's highest bench.

Since Congress already has acted to determine the number of Justices who sit on the Court, the amount of their salaries, the conditions of their retirement, and the number of their assistants, surely it is not unreasonable that it now should take steps to make certain that the Justices themselves are possessed of the tempering influence of detached consideration of legal problems which can be attained only through the highest type of judicial experience.

I do not believe anyone will dispute the fact that it is in the best interests of this Nation and of the Supreme Court that Congress act to assure that Supreme Court Justices henceforth will be selected only from among the country's best available legal talent.

The preservation and maintenance of our constitutional, republican form of government demands such action.

I sincerely hope that it will be forthcoming during this 1st session of the 86th Congress.

I herewith submit my bill and ask that it be read twice and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 880) to establish qualifications for persons appointed to the Supreme Court, introduced by Mr. TALMADGE, was received, read twice by its title, and referred to the Committee on the Judiciary.

HEARINGS FOR LITIGANTS IN CASES REVIEWED BY SUPREME COURT

Mr. TALMADGE. Mr. President, I view with grave concern the increasing tendency of the Supreme Court of the United States to act upon lower court decisions without hearing oral arguments on the points at issue.

There is nothing in the rules of the Supreme Court authorizing the determination of cases without oral arguments unless they are waived by the parties concerned. Yet, during the 1957–58 term that tribunal acted without benefit of hearings in a total of 153 cases.

I ask unanimous consent, Mr. President, that the list of those cases as compiled at my request by the Legislative Reference Service of the Library of Congress be printed at this juncture of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

"CASES DECIDED BY THE U.S. SUPREME COURT 1957 TERM IN WHICH NO ORAL ARGUMENTS WERE HEARD

"1. *Virginia* v. *Maryland* (per curiam), 355 U.S. 3.

"2. *Arkansas Public Service Commission* v. *U.S.* (per curiam), 355 U.S. 4.

"3. *Krasnov et al.* v. *U.S.* (per curiam), 355 U.S. 5.

"4. *Akron, Canton and Youngstown Railroad Co. et al.* v. *Frozen Food Express et al.* (per curiam), 355 U.S. 6.

"5. *Simpson et al.* v. *U.S.* (per curiam), 355 U.S. 7.

"6. *McCrary et al.* v. *Aladdin Radio Industries, Inc., et al.* (per curiam), 355 U.S. 8.

"7. *Federal Trade Commission* v. *Crafts* (per curiam), 355 U.S. 9.

"8. *Nationwide Trailer Rental System, Inc., et al.* v. *U.S.* (per curiam), 355 U.S. 10

"9. *White et al., doing business as Kitsap Automatic Dispenser Co. et al.* v. *Washington* (per curiam), 355 U.S. 10.

"10. *Monson Dray Line, Inc.* v. *Murphy Motor Freight Lines, Inc., et al.* (per curiam), 355 U.S. 11.

"11. *Willits et al.* v. *Pennsylvania Public Utility Commission et al.* (per curiam), 355 U.S. 11.

"12. *Lincoln Building Associates* v. *Barr et al., doing business as Swim for Health Association* (per curiam), 355 U.S. 12.

"13. *Cottrell* v. *Pawcatuck Co. et al.* (per curiam), 355 U.S. 12.

"14. *Gibralter Factors Corp.* v. *Slapo et al.* (per curiam), 355 U.S. 13.

"15. *Interstate Commerce Commission* v. *Premier Peat Moss Corp. et al.* (per curiam), 355 U.S. 13.

"16. *Four Maple Drive Realty Corp.* v. *Abrams, New York State Rent Administrator, et al.* (per curiam), 355 U.S. 14.

"17. *Watson* v. *U.S.* (per curiam), 355 U.S. 14.

"18. *Albanese* v. *Pierce et al.* (per curiam), 355 U.S. 15.

"19. *U.S.* v. *Vorreiter* (per curiam), 355 U.S. 15.

"20. *Uphaus* v. *Wyman, Attorney General of New Hampshire* (per curiam), 355 U.S. 16.

"21. *Lewis* v. *Florida* (per curiam), 355 U.S. 16.

"22. *McGee* v. *U.S.* (per curiam), 355 U.S. 17.

"23. *Gutierrez* v. *Arizona* (per curiam), 355 U.S. 17.

"24. *Gibson* v. *Thompson* (per curiam), 355 U.S. 18.

"25. *Palermo* v. *Luckenbach Steamship Co., Inc.* (per curiam), 355 U.S. 20.

"26. *Hobart* v. *Hobart* (per curiam), 355 U.S. 21.

"27. *New Orleans Insurance Exchange* v. *U.S.* (per curiam), 355 U.S. 22.

"28. *Hurt* v. *Oklahoma* (per curiam), 355 U.S. 22.

"29. *Association of Lithuanian Workers et al.* v. *Brownell, Attorney General* (per curiam), 355 U.S. 23.

"30. *Banta* v. *U.S. et al.* (per curiam), 355 U.S. 33.

"31. *Banta* v. *U.S. et al.* (per curiam), 355 U.S. 34.

"32. *Times Film Corp.* v. *City of Chicago et al.* (per curiam), 355 U.S. 35.

"33. *Edwards* v. *U.S.* (per curiam), 355 U.S. 36.

"34. *Corsa* v. *Tawes* (per curiam), 355 U.S. 37.

"35. *Ford* v. *U.S.* (per curiam), 355 U.S. 38.

"36. *District Lodge 34, Lodge 804, International Association of Machinists* v. *L. P. Cavett Co.* (per curiam), 355 U.S. 39.

"37. *Wometco Television and Theatre Co.* v. *U.S. et al.* (per curiam), 355 U.S. 40.

"38. *Swift et al.* v. *Borough of Bethel, Pa., et al.* (per curiam), 355 U.S. 40.

"39. *Williams* v. *Simons*, 355 U.S. 49.

"40. *In Re Lamkin* (per curiam), 355 U.S. 59.

"41. *Poret et al.* v. *Sigler* (per curiam), 355 U.S. 60.

"42. *Lee You Fee* v. *Dulles* (per curiam), 355, U.S. 61.

"43. *Stinson* v. *Atlantic Coast Line Railroad Co.* (per curiam), 355 U.S. 62.

"44. *City of Nashville* v. *U.S.* (per curiam), 355 U.S. 63.

"45. *American Public Power Assoc.* v. *Power Authority of New York* (per curiam), 355 U.S. 64.

"46. *Turner* v. *Wright* (per curiam), 355 U.S. 65.

"47. *Rosenbloom* v. *U.S.* (per curiam), 355 U.S. 80.

"48. *In re Latimer* (per curiam), 355 U.S. 82.

"49. *Barr* v. *Matteo et al.*, 355 U.S. 171.

"50. *Interstate Commerce Commission* v. *Ohio Railroad Co.* (per curiam), 355 U.S. 175.

"51. *Atchison, Topeka and Santa Fe Railroad Co.* v. *Dixie Carriers, Inc.* (per curiam), 355 U.S. 179.

"52. *Mounce* v. *U.S.* (per curiam), 355 U.S. 180.

"53. *World Insurance Co.* v. *Bethea* (per curiam), 355 U.S. 181.

"54. *Seatrain Lines, Inc.* v. *U.S.* (per curiam), 355 U.S. 181.

"55. *Camo et al.* v. *Pennsylvania* (per curiam), 355 U.S. 182.

"56. *Keco Industries, Inc.* v. *Cincinnati and Surburban Bell Telephone Co.* (per curiam), 355 U.S. 182.

"57. *In Re Reteneller* (per curiam), 355 U.S. 183.

"58. *Walsh* v. *First National Bank and Trust Co. of Scranton, Pa.* (per curiam), 355 U.S. 183.

"59. *Virginia* v. *Maryland* (per curiam), 355 U.S. 269.

"60. *Railroad Express Agency, Inc.* v. *U.S.* (per curiam), 355 U.S. 270.

"61. *Carson* v. *City of Washington Court House, Ohio* (per curiam), 355 U.S. 270.

"62. *Nelson* v. *Tennessee* (per curiam), 355 U.S. 271.

"63. *MacDonald* v. *LaSalle National Bank, Conservator* (per curiam), 355 U.S. 271.

"64. *Rosengard* v. *City of Boston* (per curiam), 355 U.S. 272.

"65. *Southern Railway Co.* v. *U.S.* (per curiam), 355 U.S. 283.

"66. *N. H. Lyons Co., Inc.* v. *Lubin, Industrial Commissioner of N.Y.* (per curiam), 355 U.S. 284.

"67. *Grossman* v. *U.S.* (per curiam), 355 U.S. 285.

"68. *Trotter* v. *Hall* (per curiam), 355 U.S. 285.

"69. *Southern Railway* v. *U.S.* (per curiam), 355 U.S. 370.

"70. *One, Incorporated* v. *Olesen* (per curiam), 355 U.S. 371.

"71. *Sunshine Book Co.* v. *Summerfield* (per curiam), 355 U.S. 372.

"72. *Zavada* v. *U.S.* (per curiam), 355 U.S. 392.

"73. *Karadzole* v. *Artukovic* (per curiam), 355 U.S. 393.

"74. *Strauss* v. *University of the State of N.Y.* (per curiam), 355 U.S. 394.

"75. *Taylor* v. *Kentucky* (per curiam), 355 U.S. 394.

"76. *Emray Realty Corp.* v. *Weaver* (per curiam), 355 U.S. 395.

"77. *Alleghany Corp.* v. *Breswick and Co.* (per curiam), 355 U.S. 415.

"78. *Honeycutt* v. *Wabash Railway Co.* (per curiam), 355 U.S. 424.

"79. *Michigan-Wisconsin Pipe Line Co.* v. *Corporation Commission of Oklahoma* (per curiam), 355 U.S. 425.

"80. *Spevack* v. *Strauss* (per curiam), 355 U.S. 601.

"81. *Sears* v. *U.S.* (per curiam), 355 U.S. 602.

"82. *Texas ex rel Pan American Production Co.* v. *City of Texas, Texas* (per curiam), 355 U.S. 603.

"83. *Oosterhoudt* v. *Morgan* (per curiam), 355 U.S. 603.

"84. *Roel* v. *New York County Lawyers Association* (per curiam), 355 U.S. 604.

"85. *Barnes* v. *National Broadcasting Co., Inc.* (per curiam), 355 U.S. 604.

"86. *Mills Mill* v. *Hawkins* (per curiam), 355 U.S. 605.

"87. *Klig* v. *Rogers* (per curiam), 355 U.S. 605.

"88. *Thrillens, Inc.* v. *Morey* (per curiam), 355 U.S. 606.

"89. *Rowland* v. *Texas* (per curiam), 355 U.S. 606.

"90. *Bendix Aviation Corp* v. *Indiana Department of State Revenue* (per curiam), 355 U.S. 607.

"91. *Carlson* v. *Washington* (per curiam), 355 U.S. 607.

"92. *Barnes* v. *Columbia Broadcasting System* (per curiam), 355 U.S. 608.

"93. *Gostovich* v. *Valore* (per curiam), 355 U.S. 608.

"356 U.S.

"1. *American Motors Corp.* v. *City of Kenosha* (per curiam), 356 U.S. 21.

"2. *Zivnostenska Banka* v. *Stephen* (per curiam), 356 U.S. 22.

"3. *Houston Railway Co.* v. *U.S.* (per curiam), 356 U.S. 23.

"4. *Marshall* v. *Brucker* (per curiam), 356 U.S. 24.

"5. *Howard* v. *U.S.* (per curiam), 356 U.S. 25.

"6. *Shelton* v. *U.S.* (per curiam), 356 U.S. 26.

"7. *Ferguson* v. *St. Louis-San Francisco Railway Co.* (per curiam), 356 U.S. 41.

"8. *Hurley* v. *Ragen* (per curiam), 356 U.S. 42.

"9. *Columbia Broadcasting System, Inc.* v. *Loew's, Inc.* (per curiam), 356 U.S. 43.

"10. *Forman et ux.* v. *Apfel Liquidating Receiver et al.* (per curiam), 356 U.S. 43.

"11. *Peoria Transit Lines, Inc.* v. *City of Peoria* (per curiam), 356 U.S. 225.

"12. *Cantwell* v. *Cantwell* (per curiam), 356 U.S. 225.

"13. *Pratt* v. *Dept. of the Army* (per curiam), 356 U.S. 226.

"14. *Strong* v. *U.S.* (per curiam), 356 U.S. 226.

"15. *Matles* v. *U.S.* (per curiam), 356 U.S. 256.

"16. *U.S.* v. *Diamond* (per curiam), 356 U.S. 257.

"17. *Mendoza-Martinez* v. *Mackey* (per curiam), 356 U.S. 258.

"18. *Dandridge* v. *U.S.* (per curiam), 356 U.S. 259.

"19. *Butler* v. *Whiteman* (per curiam), 356 U.S. 271.

"20. *Georgia* v. *U.S.* (per curiam), 356 U.S. 273.

"21. *Jung* v. *K. and D. Mining Co., Inc.* (per curiam), 356 U.S. 335.

"22. *New Yorker Magazine, Inc.* v. *Gerosa* (per curiam), 356 U.S. 339.

"23. *Van Newkirk* v. *McNeill* (per curiam), 356 U.S. 339.

"24. *Philyaw* v. *Arkansas* (per curiam), 356 U.S. 340.

"25. *Caine* v. *California* (per curiam), 356 U.S. 340.

"26. *Pogar* v. *New York* (per curiam), 356 U.S. 341.

"27. *Chauffeurs, Teamsters and Helpers Local Union 795* v. *Newell* (per curiam), 356 U.S. 341.

"28. *Yates* v. *U.S.* (per curiam), 356 U.S. 363.

"29. *Ratner* v. *U.S.* (per curiam), 356 U.S. 368.

"30. *Sacher* v. *U.S.* (per curiam), 356 U.S. 576.

"31. *Babcock* v. *California* (per curiam), 356 U.S. 581.

"32. *North Western-Hana Fuel Co.* v. *U.S.* (per curiam), 356 U.S. 581.

"33. *Porchetta* v. *Ohio* (per curiam), 356 U.S. 582.

"34. *New York Trap Rock Corp.* v. *Town of Clarkston* (per curiam), 356 U.S. 582.

"35. *Alhambra Gold Mine Corp.* v. *Alhambra Shumway Mines, Inc.* (per curiam), 356 U.S. 583.

"36. *Browning* v. *Kansas* (per curiam), 356 U.S. 583.

"37. *Ellis* v. *U.S.* (per curiam), 356 U.S. 674.

"38. *Amlin* v. *Verbeem* (per curiam), 356 U.S. 676.

"39. *Hill* v. *U.S.* (per curiam), 356 U.S. 704.

"*357 U.S.*

"1. *DeFebio* v. *County School Board of Fairfax County* (per curiam), 357 U.S. 218.

"2. *Cash* v. *U.S.* (per curiam), 357 U.S. 219.

"3. *Rogers* v. *Richmond* (per curiam), 357 U.S. 220.

"4. *Morand* v. *City of Raleigh* (per curiam), 357 U.S. 343.

"5. *Dunn* v. *County of Los Angeles* (per curiam), 357 U.S. 344.

"6. *National Labor Relations Board* v. *Milk Drivers and Dairy Employees Local Unions Nos. 338 and 680, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL–CIO* (per curiam), 357 U.S. 345.

"7. *Klaw* v. *Schaffer* (per curiam), 357 U.S. 346.

"8. *Glanzman and Bowery Enterprises* v. *Schaffer* (per curiam), 357 U.S. 347.

"9. *Washington* v. *U.S.* (per curiam), 357 U.S. 348.

"10. *Aaron* v. *Cooper* (per curiam), 357 U.S. 566.

"11. *First Methodist Church of San Leandro* v. *Horstmann* (per curiam), 357 U.S. 568.

"12. *Columbia Broadcasting System Inc.* v. *Atkinson* (per curiam), 357 U.S. 569.

"13. *Pennsylvania* v. *Board of Directors of City Trusts of Philadelphia* (per curiam), 357 U.S. 570.

"14. *National Biscuit Co.* v. *Pennsylvania* (per curiam), 357 U.S. 571.

"15. *Primbs* v. *California* (per curiam), 357 U.S. 572.

"16. *Joines* v. *U.S.* (per curiam), 357 U.S. 573.

"17. *Indiviglio* v. *U.S.* (per curiam), 357 U.S. 574.

"18. *Ross* v. *Schneckloth* (per curiam), 357 U.S. 575.

"19. *Giordenello* v. *U.S.* (per curiam), 357 U.S. 576.

"20. *Urrutia* v. *U.S.* (per curiam), 357 U.S. 577.

"21. *Hansford* v. *U.S.* (per curiam), 357 U.S. 578."

Mr. TALMADGE. Mr. President, I am as opposed to gag rule in our courts as I am to gag rule in our legislative chambers. Freedom of speech and the right to be heard are inherent in our American tradition and when they are infringed upon it is the duty of Congress to provide an immediate remedy through the legislative process.

It is my conviction, Mr. President, that the ends of full justice are not being served by the present procedures of the Supreme Court, and it is out of that deep conviction that I herewith introduce for appropriate reference a bill to add a new paragraph to chapter 133 of title 28 of the United States Code, which would read as follows:

"The Supreme Court shall not upon review of any case affirm, modify, vacate, set aside, or reverse any judgment, decree, or order of any court unless each party to such case has been accorded full opportunity for hearing thereon before the Supreme Court, including opportunity for the presentation of oral argument before such Court."

I believe it is in the best interests of all Americans, Mr. President, that such a law be enacted at the earliest possible time.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1155) to require that litigants in cases reviewed by the Supreme Court be accorded an opportunity for hearing before that Court, and for other purposes, introduced by Mr. TALMADGE, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROCEDURE OF U.S. COURTS IN ISSUANCE OF CERTAIN INJUNCTIONS

Mr. TALMADGE. Mr. President, the true significance of the term "civil rights" has become obscured by the political connotations given it in recent years.

Historically and constitutionally, the civil rights of the American people are those inalienable individual freedoms which are insured in perpetuity by the Bill of Rights of our Constitution.

They are the rights which begin with freedom of religion and extend through all other rights not prohibited to the individual by the Constitution.

They do not include fancied rights synthesized in the imaginations of political opportunists as lures for the votes of this or that pivotal minority.

Neither are they sometime things to be alternately enjoyed and denied according to the dictates of expediency or the whims of whatever majority may be in control of Congress at any given time.

Our Founding Fathers knew from the lessons of history that people lose their civil rights because of governmental action. And it was in recognition of that fact of life that they wrote into the Bill of Rights express prohibitions against any governmental interference with the enjoyment of them.

While it hardly is likely that the framers of our form of government considered any of the rights which they enumerated in the Constitution to be any more or less important than others, it is more interesting to note that only one was specified more than once.

That is the right of trial by jury which is guaranteed in four separate passages of the Constitution and the Bill of Rights.

Section II of article III provides that "the trial of all crimes, except in cases of impeachment, shall be by jury."

The fifth amendment states that "no person shall be held to answer for a capital, or otherwise infamous offense, unless on a presentation or indictment of a grand jury."

The sixth amendment guarantees that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed."

And the seventh amendment specifies that "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved."

No other conclusion can be drawn from the sum of those four passages, Mr. President, but that the men who founded this Nation considered the right of trial by jury to be fundamental to the preservation of individual liberty and the maintenance of constitutional government.

It is more than coincidental, Mr. President, that those who have cried the loudest for legislation to force compliance with their notions of civil rights also are those who have been the most active in seeking to weaken, circumscribe, and destroy the right of trial by jury.

The most recent case in point is found in the debates leading up to the unfortunate passage of the misnamed Civil Rights Act of 1957 by the 1st session of the 85th Congress.

Proponents of that legislation wanted a statute which would have permitted the summary punishment without jury trial of individuals accused by the Attorney General of the United States of violating someone's civil rights. They argued in defense of their position that Congress already had set the precedent for such action in enacting 28 regulatory acts beginning with the Interstate Commerce Commission Act of 1887.

Happily, that bill was shorn of its infamous part III by the Senate; but, unhappily, with regard to voting, it placed an unconstitutional qualification upon the right of trial by jury in that it authorized Federal judges to impose jail sentences up to 45 days and fines up to $300 without jury trials.

It cannot be denied, Mr. President, that Congress in conditioning the right of trial by jury and by placing a dollars-and-cents premium upon its exercise violated the constitutional prohibition against the enactment of laws respecting the enjoyment of rights enumerated in the Bill of Rights.

I wish to reiterate, Mr. President, the strong feelings about that so-called compromise which I expressed before the Senate at the time it was adopted. I said:

"If a thing is right, it is right and it must be upheld. If it is wrong, it is wrong and it must be denied.

"There is no middle ground when it comes to fundamental truths and basic rights. The question of right and wrong is a question of black and white. There can be no shading of gray in the definition of either.

"That is true of the right of Americans to trial by jury.

"That right either is fundamental or it is not.

"That right either is guaranteed by the Constitution or it is not.

"That right either is inalienable with the individual or it is not.

"If our Founding Fathers had meant that the right of trial by jury should depend upon the benign generosity of an appointed Federal judge, I believe they would have so specified in the Constitution and the Bill of Rights.

"If our Founding Fathers had felt that it was constitutional for appointed Federal judges to incarcerate American citizens for 45 days and fine them $300 on their own arbitrary motions, I believe they would have so provided in the Constitution and the Bill of Rights."

It was on that same occasion, Mr. President, that I sought to emphasize that the mere fact that trial by jury has been denied in 28 instances is no justification for denying it a 29th time. As I stated at that time:

"Jury trial opponents have sought to make much of the fact that there are now 28 laws under which Congress has authorized contempt proceedings without jury trials. Granted that that is true, it must be pointed out that none of them apply to individuals; and, even assuming they did, there is no logic under which justice can be built upon injustice or two wrongs added together to make a right."

One of the most lamentable developments of modern history, Mr. President, has been the ever-broadening tendency to extend the jurisdiction of courts of equity so as to invest them, in effect, with the enforcement of criminal laws.

The result has been to frustrate the administration of justice at the hands of a jury of one's peers and to substitute government by injunction for government by law.

The right of trial by jury, both in criminal cases and in suits at common law, was aptly described by the distinguished senior Senators from North Carolina and South Carolina [Mr. ERVIN and Mr. JOHNSTON] in their minority views on the Senate version of the 1957 civil rights bill as "the best part of the inheritance of America from England." They emphasized that trial by jury "is the best security of the people against governmental oppression" and pointed out that "tyranny on the bench is as objectionable as tyranny on the throne."

The early history of this Nation affords a graphic example of the tyranny which results from denial of trial by jury in the

attempt by King George III to enforce the Stamp Act and other oppressive measures through the courts of admiralty, in which trial by jury was not permitted.

As we all know, our forefathers listed deprivation of "the benefits of trial by jury" as one of the "injuries and usurpations" which led them to fight for their independence.

Those who contend that trial by jury should be limited or denied because juries sometimes do not convict, either forget or choose to ignore that the basis of American jurisprudence is that the accused is presumed to be innocent until proved guilty. Only in totalitarian countries is it otherwise, and, to my mind, it would be far better for 100 guilty men to go free than for 1 innocent person to be punished.

No free man, Mr. President, should be forced by his government to place his life, freedom, or property in jeopardy except upon the judgment of a jury of 12 of his equals.

It is true, Mr. President, that juries sometimes err. But I submit that it is far more likely that any error made will be made by 1 judge secure in his life tenure than by 12 impartial citizens cognizant of the fact that their fates, too, might someday rest in the hands of their peers.

I am in complete agreement, Mr. President, with the words of the great liberal, the late Senator George W. Norris, of Nebraska, who declared in this Chamber in advocating the adoption of the Norris-La Guardia Act in 1932:

"I agree that any man charged with contempt in any court of the United States in any case, no matter what it is, ought to have a jury trial. It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried lawsuits before juries, every man who has ever presided in court and heard jury trials knows that juries make mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that, after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts."

It is out of that conviction, Mr. President, that I am today introducing a bill proposing to amend titles 18 and 28 of the United States Code to guarantee that all individuals cited for contempt in Federal courts shall have "a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed."

Furthermore, Mr. President, my bill specifies that no person can be bound by a Federal injunction unless one of three essential conditions is met. They are: First, unless the individual is a party to the proceeding; second, unless the individual is named in the injunction and is served with a true copy of it; or third, unless the injunction is read and explained by a judge in open court in the presence of the individual named in it.

The measure would apply, Mr. President, in all cases of contempt of court involving individuals except in those instances of contempt committed in the presence of the court.

Mr. President, I have made my bill applicable only to individuals for two reasons: First, because the right of trial by jury is one of those rights vested by the Constitution in the individual; and second, I have no desire to upset the Nation's body of regulatory law without a full study of all its ramifications.

However, I wish to state before the Senate that I personally favor assuring the right of trial by jury in all cases in which there are facts to be determined with the one exception of cases of direct contempt committed in the presence of the court. And I would be pleased to join with those who profess interest in protecting the civil rights of Americans to make certain that every American, corporate and individual, is accorded that right when before the courts.

The enactment of such a law, Mr. President, would protect all Americans from abuses arising through misuse of the judicial power of contempt and would constitute the most significant civil rights legislation to come out of Congress since the adoption of the Bill of Rights.

Mr. President, I herewith introduce my bill to be read twice and appropriately referred and ask unanimous consent that the text of it be printed at this juncture as a portion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1231) to prescribe the procedure of courts of the United States in the issuance of injunctions and the punishment of disobedience thereof, and for other purposes, introduced by Mr. TALMADGE, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 3691 and 3692 of title 18 of the United States Code are amended to read as follows:

"'§ 3691. Jury trial of criminal contempts—generally

"'Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States (other than an injunction or restraining order) by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

"'This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

"'3692. Jury trial of criminal contempts—injunctions and restraining orders

"'In all cases of contempt arising from the disobedience of any injunction or restraining order the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed. This paragraph shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

"'No individual may be punished for contempt arising from the disobedience of any such injunction or restraining order unless—

"'(a) such individual was a party to the proceeding in which such injunction or restraining order was issued, or willfully combined or conspired with any party to such proceeding to violate any prohibition or requirement of such injunction or restraining order;

"'(b) such individual before such disobedience received notice of the terms and conditions of such injunction or restraining order through (1) the service upon him of a true and correct copy of such injunction or restraining order, or (2) a full and complete oral explanation of the provisions of such injunction or restraining order and the effect thereof given by the judge in open court in the presence of such individual at the time of the issuance thereof; and

"'(c) the prohibitions and requirements of such injunction or restraining order were described therein with sufficient particularity and certainty to provide adequate notice to such individual as to the specific acts prohibited or required thereby.

This paragraph shall not apply to any proceeding for the punishment of any individual for any act or omission committed in his capacity as a director, officer, employee, agent, or member of, or attorney for, any corporation, partnership, association, or labor union in disobedience of any injunction or restraining order issued against and duly served upon such corporation, partnership, association, or labor union.'

"(b) The analysis of chapter 233 of such title is amended to read as follows:

"'Sec.

"'3691. Jury trial of criminal contempts—generally.

"'3692. Jury trial of criminal contempts—injunctions and restraining orders.

"'3693. Summary disposition or jury trial; notice—rule.'

"SEC. 2. (a) Chapter 155 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"'§ 2285. Injunctions and restraining orders—requirements

"'Every injunction or restraining order issued by any court of the United States must describe each prohibition and requirement imposed thereby with sufficient particularity and certainty to provide adequate notice to each individual subject thereto as to the specific acts prohibited or required thereby. Each such injunction or restraining order must name specifically each individual who is subject to each prohibition and requirement imposed thereby, except that—

"'(a) an injunction or restraining order issued against any corporation, partnership, association, or labor union may be made applicable to directors, officers, employees, agents and members thereof, and attorneys therefor, without naming in such injunction or restraining order each such individual; and

"'(b) an injunction or restraining order may be issued against a specifically described class or group of individuals if (1) the court determines, upon a satisfactory showing made by the applicant therefor, that each such individual cannot be named specifically and that the applicant would suffer immediate irremediable harm if such injunction or order were not made applicable with respect to such class or group, and (2) such injunction or restraining order provides specifically that it shall not apply with respect to any individual until such individual has received notice of the terms and conditions of such injunction or restraining order through (A) the service upon him of a true and correct copy thereof, or (B) a full and complete oral explanation of the provisions thereof and their effect given by the judge in open court in the presence of such individual at the time of the issuance thereof. This section shall not relieve any court or party from compliance with any additional requirement prescribed by any statute or rule of court for the issuance of any injunction or restraining order.'

"(b) The analysis of such chapter is amended by adding at the end thereof the following new item:

"'2285. Injunctions and restraining orders—requirements.'"

REMOVAL OF JURISDICTION OF FEDERAL COURTS OVER THE ADMINISTRATION OF PUBLIC SCHOOLS

Mr. TALMADGE. Mr. President, responsible criticism of the usurpations of the Supreme Court of the United States is being heard with increasing frequency.

Throughout the Nation there is a swelling public outcry for Congress to act to restore the Court to its appointed constitutional role as the interpreter rather than the giver of the Nation's laws.

The Court's arrogations of legislative power and encroachments upon the rights of States and individual citizens have become so flagrant as to draw the stinging rebuke of the Conference of State Chief Justices.

The High Tribunal, according to the judges of the highest courts of the individual States, has adopted the role of policymaker without proper judicial restraint; has assumed primarily legislative powers; and has allowed the individual views of its members to override a dispassionate consideration of what is or is not constitutionally warranted.

The State chief justices declared that the Supreme Court's recent decisions "raise at least considerable doubt as to the validity of that American boast that we have a government of laws and not of men."

The concern of the country about this situation prompted the significant debates which took place during the 2d session of the 85th Congress on the question of the so-called Jenner-Butler and Smith bills.

I supported both measures wholeheartedly and expect to give my support to the same or similar bills during the 86th Congress.

However, it was my conviction then—and it is my conviction now—that as worthy as those or similar pieces of legislation may be, they do not go far enough to correct for all time the judicial trends which are so alarming to those of us who believe the Constitution of the United States means word for word what it says.

That is true because they do not seek to correct the decision which set the pattern for the current wave of judicial usurpation—the Supreme Court's ruling of May 17, 1954, in the case of *Brown et al* v. *Board of Education of Topeka* (347 U.S. 483, 98 L. ed. 873, 74 S. Ct. 686, 38 A.L.R. 2d 1180) which held that State and local governments could not operate public schools for different races on a separate, but equal, basis.

Undoubtedly the reason that decision has not heretofore been included in any of the proposed corrective measures lies in the false emotional factors which have been injected into the school question by those who are more interested in pandering to the prejudices of minority groups for political gain than they are in preserving constitutional government or assuring the best possible public education for all the young people of America regardless of their color or place of residence.

But, Mr. President, I wish to point out and to emphasize as vigorously as I know how that so long as that decision is allowed to stand this Nation will never be free from the threat of judicial dictatorship and the Constitution and the rights of the American people will forever be subject to the whims of the men who transiently occupy the Supreme Court Bench.

The Brown decision represents a complete departure from judicial decisions based on the Constitution, the law, and established legal precedents. It substitutes in their stead bald court edicts based upon so-called modern authority and the personal opinions of the Justices.

The Brown decision raises grave constitutional questions, the disturbing and far-reaching ramifications of which cannot be obscured by a racial smokescreen.

It is to those constitutional questions that the bill I today shall introduce and that my present remarks are addressed.

I shall say for the benefit of the professional race baiters and the chronic bleeding hearts, Mr. President, that the races are living together in harmony and mutual respect in my State of Georgia. They are solving whatever racial problems Georgia may have on the local level in accordance with local wishes. I am confident those good relations will continue, regardless of what the future may bring.

I say that, Mr. President, because Georgia citizens of all races recognize that the question involved is one far more fundamental than the issue of who goes to which school. They are aware that it goes to the very heart of constitutional government—the balance between a Federal Government of limited powers and State and local governments exercising all other powers.

In writing the Brown decision the Supreme Court ignored 105 years of judicial precedent, the clear meaning of the 10th amendment, and the obvious intent of the 14th amendment.

It overruled at least 5 of its own decisions, at least 18 Federal district and circuit court decisions, and at least 59 State and territorial court decisions.

It cited as its only authority books and treatises on sociology and psychology written by men on questionable background and doubtful loyalty.

It was unable to point to a single law or legal precedent to support its decision. It could not, because there were none; they were all on the other side.

It substituted modern authority for the Constitution, intangible considerations for legal precedent, and we-cannot-turn-the-clock-back doctrine for the intent of the framers of the Constitution and its amendments.

The Court found it necessary to jump a number of high hurdles in order to reach its desired conclusion.

Its first hurdle was the 14th amendment itself.

Briefs submitted at the request of the Court showed that the same 39th Congress which promulgated the 14th amendment established separate schools for the races in the District of Columbia. They further pointed out that of the 37 States in existence at that time, only 5 abolished separate schools contemporaneously with the ratification of the 14th amendment, and 3 of those later did so.

Even in the face of such preponderance of evidence that the 14th amendment was not intended to abolish separate schools, the Court pleaded ignorance. It said the record was "inconclusive," and maintained that it could "not turn the clock back to 1868."

The Court then went on to ignore the language of the 5th section of the 14th amendment, which provides that Congress is to enforce it with "appropriate legislation." The fact that Congress had never seen fit to do so with respect to public schools was lost upon the Court in writing its decision in the Brown case.

The second hurdle which the Court had to clear was the 10th amendment.

The 10th amendment reserves to the individual States all powers not specifically granted to the Federal Government; and education is one of the many functions left—by virtue of constitutional silence—to the States. Nowhere in the Constitution can there be found any wording which, either by direction or innuendo, deprives the States of the right to administer their school systems in accordance with local wishes.

The Court did not regard that fact even worthy of consideration. It brushed the 10th amendment aside as if it did not exist, and did not even mention it in its ruling.

The Court's third hurdle was that of its own decisions upholding the "separate, but equal" doctrine laid down in *Plessy* v. *Ferguson* (163 U.S. 537) in 1896, and upheld by that tribunal as late as 1950.

It was at that point in its deliberations that the Court came up with its new theory that separate schools are "inherently unequal," and held that Plessy against Ferguson was bad sociology not supported by modern authority.

It was at that point that the Court introduced, via footnote 11 of the Brown decision, the nine so-called modern authorities on sociology and psychology on which it relied for its finding that separate schools are unconstitutional.

The Harvard Law Review, in commenting on the ruling, stated:

"In dealing with prior cases, especially *Plessy* v. *Ferguson*, the Chief Justice did not seek to demonstrate that the Court had once blundered. His point, rather, was that these prior decisons were simply outmoded in present-day society (68 Harv. L. Rev. 96)."

Thus was introduced a new rule for testing constitutionality—the rule of whether a law or practice is, in the opinion of the judges, outmoded.

In the Brown case, the Court did not hold that the facts disclosed by the briefs and arguments presented before it justified a departure from the separate, but equal, doctrine. It held, rather, that psychological knowledge was of greater validity than the facts and the law.

The Court conceded that the cases before it demonstrated equality of school facilities in respect to all tangible factors. But it maintained that its decision could not turn on such tangible factors, but, rather, must have its basis in intangible considerations.

On that premise it declared:

"Whatever may have been the psychological knowledge at the time of *Plessy* v. *Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy* v. *Ferguson* contrary to this finding is rejected."

It is an elemental rule of law that a court may not consider treatises in a field other than law unless the treatises themselves are the very subject of inquiry. The Supreme Court itself has so held in a number of cases.

In *Pinkus* v. *Reilly* (338 U.S. 269) the Court held that the use of nonlegal materials in a case was illegal, illogical, and unfair.

In *National Council of American-Soviet Friendship, Inc.* v. *McGrath* (341 U.S. 292) the Court said the use of such material constituted a denial of "the rudiments of fair play" and amounted to "condemnation without trial."

In *U.S.* v. *Abilene & Southern Railway Company* (265 U.S. 347) Justice Brandeis wrote:

"Nothing can be treated as evidence which was not introduced as such."

That rule was universal until the Supreme Court found it standing in the way of the decision it was determined to render in the Brown case.

And what of the modern authority upon which the Court based its decision?

Two of the six principal authorities listed by the Court—Theodore Brameld and E. Franklin Frazier—have between them been members of, or identified with, 28 organizations declared by the Attorney General of the United States or the Committee on Un-American Activities of the U.S. House of Representatives to be Communist, Communist fronts, or Communist dominated. A third of the six—K. B. Clark—was, at the time of the arguments before the Court, on the payroll of the National Association for the Advancement of Colored People as a so-called social-science expert—a highly irregular procedure in view of the fact that the NAACP was the principal plaintiff in those cases.

The book, "An American Dilemma," written by Dr. Karl Gunnar Myrdal, a Swedish Socialist, on grant from the Carnegie Foundation, was cited in its entirety by the

Supreme Court as an authority for its ruling. Sixteen of the contributors to that book have lengthy records of pro-Communist activity, in the files of the Un-American Activities Committee. One of them, Negro educator W. E. B. DuBois, who contributed to 82 portions of the book, has been cited no less than 72 times by the committee. He filed briefs on behalf of executed atom spies Julius and Ethel Rosenberg and sent a message of condolence upon the death of Joseph Stalin.

It was in that book that Myrdal declared, on page 13, that the U.S. Constitution is impractical and ill suited for modern conditions and characterized its adoption as nearly a plot against the common people. Furthermore, he openly avowed that liberty must be forsaken for what he called social equality.

By declaration of the Supreme Court, Dr. Myrdal and his book have now become modern authority, and what was aptly termed by one of the Nation's foremost authorities on constitutional law, Hon. R. Carter Pittman, of Dalton, Ga., as "corpus juris tertius in American pseudo-socio-law."

The dangers inherent in substituting sociological and psychological theories for law are obvious.

U.S. Circuit Judge Jerome Frank recognized that, when he wrote that such generalizations and the "inferences derived therefrom are almost certain to be importantly false. For the consequences of the operation of certain customs or group attitudes are often canceled out by the consequences of other conflicting customs and attitudes."

Even the latest book cited in footnote 11, "Personality in the Making," by Witmer and Kotinsky, states:

"Unfortunately for scientific accuracy and adequacy, thoroughly satisfactory methods of determining the effects of prejudices and discrimination on health or personality have not yet been devised, nor has a sufficient number of studies dealing with the various minority groups been made."

Writer Edmond Cohn, who agrees with the result of the Brown case, nevertheless critized the use of sociological authority and stated the danger therein in these words:

"The word 'danger' is used advisedly, because I would not have the constitutional rights of * * * Americans rest on such flimsy foundations as some of the scientific demonstrations in these records."

Since the behavioral sciences are very young, imprecise, and changeable, their findings have an uncertain life expectancy, and today's observations very likely will be canceled by tomorrow's theories.

I ask, therefore, Mr. President, is it right that our fundamental constitutional rights should be conditioned upon the latest psychological literature or scientific theory?

As surely as day follows night, if the Supreme Court is permitted to use psychology and sociology books instead of law books as the basis for its decisions, there is no area of American life which it cannot touch and attempt to revolutionize whenever it may take the notion.

Those who feel it is proper for Myrdal to be the authority for the school decision had best reflect, Mr. President, on how they would like for Freud or Kinsey to be the authority for rulings on their States' laws governing public conduct.

In basing the Brown decision on so-called modern authority, the Supreme Court was guilty of what it itself has frequently condemned.

For example, as late as 1952, Justice Frankfurter wrote in his decision in the case of *Beauharnais* v. *People of Illinois* (343 U.S. 250):

"Only those lacking responsible humility will have a confident solution for problems as intractable as the frictions attrituable to differences of race, color, or religion. * * * Certainly the due process clause does not require the legislature to be in the vanguard of science—especially sciences as young as human ecology and cultural anthropology. * * * It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community."

Commenting on that obvious inconsistency on the part of the Court, Mr. Pittman, to whom I earlier have referred, stated:

"The Court admitted it didn't know enough about sociology, human ecology, and cultural anthropology to decide racial issues in 1952. But by 1954 the Justices had become so expert in pseudo-socio-science a la Myrdal that they abandoned the Constitution, the law, reason, and commonsense to embrace a doctrine unknown to God and unknown to any other government of law in the history of civilization."

When the Justices found the 14th amendment did not mention schools and decided its legislative history was "inconclusive," the Court should have declared, as it did in the case of *Ullman* v. *U.S.* (360 U.S. 427) in March 1956, that "nothing new can be put into the Constitution except through the amendatory process."

The Court has ruled time and again that it has no authority to amend the Constitution; yet the evidence that it sought to do so in the Brown case is irrefutable.

It is plain even to the layman that the Supreme Court's decision had the effect of amending the Constitution.

Article V clearly sets forth the fixed methods of amending the Constitution, and amendment by judicial decree is not one of them.

Everyone will agree, I believe, with the statement of Chief Justice Marshall in the famed *Marbury* v. *Madison* decision (1 Cranch 137, 174–175, 2 L. Ed. 60, 72) of 1803:

"The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it."

The implications of that ruling were forcefully analyzed by the Honorable James F. Byrnes, of South Carolina—a former member of the Supreme Court—in an address before the Illinois State Bar Association. He declared:

"If the latter be true, a written Constitution is an absurdity. It is equally clear that if the Constitution is the superior paramount law, it cannot be altered whenever the Supreme Court wishes to alter it. That would be an absurdity.

"If the Supreme Court can alter the Constitution by its decisions, then five men—a majority of the Court—can make the Court a constitution maker instead of a constitution defender."

Or, as aptly expressed last year by the erudite and distinguished senior Senator from North Carolina [Mr. ERVIN]:

"If court decisions are laws, when a court makes a decision, it makes a law; when it reverses a decision, it repeals a law; when it modifies a decision, it modifies a law."

To accept a contrary view, Mr. President, would be to nullify the constitutional concept of Congress as the Nation's only lawmaking body.

The legislative powers granted by the Constitution are vested exclusively in Congress. The first line of the Constitution says that, and, as I have pointed out, the framers of the 14th amendment sought to make certain that only Congress should implement the new and dangerous powers which it embraced by specifying that only Congress should have the power to enforce it.

Article VI of the Constitution defines the "law of the land" as the Constitution of the United States and the laws and treaties made under its provisions. The Founding Fathers were careful to exclude Executive orders and judicial decrees from that definition.

The framers of the Constitution knew the importance of a free, courageous, virtuous judiciary. But they also knew that a pliant, servile, and time-serving judiciary would be a deadly enemy of free society and a republican form of government. Consequently, they were careful to set the judicial branch up as a coordinate and independent department of government but also were careful to put a check on it by vesting in Congress the authority to fix its jurisdiction.

The Supreme Court's Brown decision has done great harm to this Nation, because through it the Court has shown its willingness to disregard our written Constitution and its own decisions, to invalidate the laws of the individual States and substitute for them a policy of its own, supported not by legal precedents but by the writings of social scientists.

Every thinking American knows that surrender to the Supreme Court of the power to amend the Constitution at will will vest in that tribunal power to make changes inimical to the public welfare and eventually will lead to a complete loss of control of the Government by the people.

That is why, Mr. President, I am today introducing for appropriate reference a bill to add a new section to chapter 21 of title 28 of the United States Code which would read as follows:

"No justice, judge, or court of the United States shall have jurisdiction to hear, determine, or review, or to issue any writ, process, order, rule, decree, or command with respect to, any case, controversy, or matter relating to the administration, by any State or any political or other subdivision of any State, or any public school, public educational institution, or public educational system operated by such State or subdivision."

However much some citizens may applaud the Brown decision, Mr. President, they will accept the manner in which it was handed down only at the peril of exposing themselves to some future application of the same theory of legislation by judicial decree.

Unless the application of that concept of judicial lawmaking is stopped now by the enactment of legislation such as I am today proposing, the inevitable result will be to substitute for constitutional government a judicial oligarchy under which the executive and legislative branches and the State and local governments will exercise only such powers as the Supreme Court deems fit to grant them.

Constitutional government as we heretofore have known it and the philosophy upon which the Brown decision was based are incompatible. So long as it is allowed to stand, the liberties and heritage of freedom which Americans in all regions so zealously cherish are in great jeopardy.

If the Brown decision is allowed to stand, Mr. President, then we have no Constitution and no laws—only what the Supreme Court on any given occasion may say the Constitution and the laws are.

Mr. President, I herewith introduce my bill and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1593) to amend chapter 21 of title 28 of the United States Code with respect to the jurisdiction of the justices, judges, and courts of the United States, introduced by Mr. TALMADGE, was received, read twice by its title, and referred to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT FOR THE ITEM VETO

Mr. KEATING. Mr. President, I have for many years been concerned about the need to permit the President of the United States to veto items in appropriations bills without having to veto the entire bill. I need not today go into the background or the reasons for adopting this much-needed and worthwhile governmental reform. It is a subject which has been before the Congress time and time again.

In a nutshell, if we provide the President with the power to veto items in an appropriation bill, we will go a long way toward eliminating waste and pork barreling and enabling the Government of the United States to operate more economically and efficiently.

Last year, I introduced Senate Joint Resolution 44, on this subject which was cosponsored by Senators CAPEHART, CLARK, JAVITS, KUCHEL, MORTON, PROXMIRE, WILLIAMS of Delaware, SCOTT, and CARLSON, all of whom have indicated that they again want to cosponsor this measure.

Mr. President, it is absolutely imperative that we do something about the item veto right away. Many States have successfully provided their chief executives with this needed and constructive power of the purse. It is clear from their experience that the Federal Government and the taxpayers of America would benefit materially from the institution of the item veto.

There is some question as to whether the item veto can be established by legislative action or whether a constitutional amendment is necessary. I think it must be done by constitutional amendment; but I am entirely agreeable to attempting to do it by legislative action.

If that could be done it would, of course, be preferable from the point of view of the time element. I have indicated to my distinguished colleague the Senator from Nebraska [Mr. CURTIS] that I shall be happy to join with him in his efforts to this end.

Mr. President, I ask unanimous consent that a copy of my resolution and of a statement which I have prepared stating my opinion that the granting of the item veto power to the President must be done through the means of a constitutional amendment appear in the RECORD at this point.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and statement will be printed in the RECORD.

The joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States relative to disapproval of items in general appropriation bills, introduced by Mr. KEATING (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The President shall have the power to disapprove any item or items of any general appropriation bill which shall have passed the House of Representatives and the Senate and have been presented to him for his approval, in the same manner and subject to the same limitations as he may, under section 7 of article I of this Constitution, disapprove as a whole any bill which shall have been presented to him.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

The statement presented by Mr. KEATING is as follows:

STATEMENT BY SENATOR KEATING ON THE MEANS BY WHICH TO GIVE THE PRESIDENT ITEM VETO POWER

It is my opinion, that the grant of power to the President to veto items of an appropriation bill will have to be through the medium of a constitutional amendment.

The constitutional provision involved in this matter is the first sentence of article 1, section 7, clause 2 which reads:

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it."

The words of this sentence are very explicit, the President has the power to sign it (appropriation bill or any other bill) or to return it with his objections. The latitude necessary to interpret this provision so as to permit item vetoes cannot be admitted. It would be too deliberate a departure from the literal and ordinary meaning of the words. As the phrasing of the sentence is free from ambiguity, there is no occasion for construction.

"In expounding the Constitution of the United States, every word must have its due force, and appropriate meaning; for it is evident from the whole instrument, that no word was unnecessarily used, or needlessly added. The many discussions which have taken place upon the construction of the Constitution, have proved the correctness of this proposition; and shown the high talent, the caution, and the foresight of the illustrious men who framed it. Every word appears to have been weighed with the utmost deliberation, and its force and effect to have been fully understood. * * *" (*Holmes* v. *Jennison* (1847) 14 pet. 570.)

This provision in giving a qualified negative over legislation cannot be narrowed or cut down by Congress. See the *Pocket Veto* case (1929) 279 U.S. 655, 677–678. Arguendo it may be said that if Congress cannot narrow this provision, neither can it broaden this provision. "No light is thrown on the meaning of this constitutional provision in the proceedings and debates of the Constitutional Convention * * *" (The Pocket Veto case, supra, p. 675).

PROPOSED STUDY AND REPORT ON FEDERAL COMMUNICATIONS COMMISSION

Mr. HARTKE. Mr. President, at the close of the last Congress I introduced Senate Joint Resolution 211, which had as its specific purpose the establishment of a five-man commission to study and report on the organization of the Federal Communications Commission and the manner in which the radio spectrum is allocated in the agencies and instrumentalities of the Federal Government.

At the time when I introduced that measure, I indicated that the development of so valuable a natural resource as the radio spectrum is a matter of paramount importance. The spectrum is a publicly owned natural resource, the significance of which increases year by year as its use for varied purposes grows. It has long been apparent that the capacity of this resource was not unlimited and that its effective utilization cannot be expanded indefinitely. The interdependence of regulatory measures and technology in making possible the most effective use of the spectrum requires as careful planning and administration as does any other natural resource. Unless our Government knows specifically the current use of the spectrum and what its future needs are, or are likely to be, the best interests of the United States will suffer.

Demands by nongovernment users are increasing as each day passes. The space age that is upon us has created a demand for spectrum space that must be met. Yet, as was evident at the time, there was and is no high-level agency within the Government which resolves the conflicts arising among Government interests, much less those arising between governmental and nongovernmental interests. There is no overall national telecommunications policy. This is deplorable.

I now introduce again a joint resolution calling for the creation of this special commission, in which the members will be appointed by the President of the Senate, the Speaker of the House, and the President, as well as by the Federal Communications Commission. I ask that the joint resolution be appropriately referred.

I think it would be helpful at this point to review the various comments made over the past ten years with regard to the lack of an overall national telecommunications policy and the need for some central agency which will be charged with the responsibility of allocating this valuable resource—the radio spectrum—to both nongovernment and government users if we are to have the most effective and efficient use of this resource.

As early as 1951, in the report of the President's Communications Policy Board, headed by the distinguished Dr. Irving Stewart, and entitled "Telecommunications: "A Program for Progress," it was recognized among other things that:

Measured in terms of spectrum space rather than in number of discrete frequency channels, the Federal Government's share of the spectrum, though not so great as is commonly believed, is nevertheless large. While we do not know that it is out of proportion to the Government's responsibilities, it must have the most adequate justification and

careful management if the greatest benefit is to be obtained from it.

There is need for a continuing determination of the changing requirements of Federal Government users both among themselves and in relation to the requirements of other users.

In addition, the President's Communications Policy Board's conclusions were:

1. Fundamental changes in telecommunications require the overhaul of Government machinery for formulating telecommunications policy and for administering certain telecommunications activities in the national interest.

2. The Communications Act of 1934 established a system of dual control of the radio frequency spectrum. This dual control arises largely from the fact that the regulation of private telecommunications is a function of Congress exercised through the FCC, while the operation of Government telecommunications is primarily a function of the Executive. For example, the assignment of frequencies to military services is an exercise of the President's powers as Commander in Chief of the Armed Forces.

3. The Federal Communications Commission, though needing further strengthening, should continue as the agency for regulation and control of private users.

4. The President has exercised this power to assign frequencies through the Interdepartment Radio Advisory Committee, made up of representatives of the using Government agencies. While this committee should continue as a forum to arrange the use of the spectrum in such a way as to avoid interference, it is not an adequate means for keeping in order the large portion of the spectrum occupied by Government agencies.

5. The Telecommunications Coordinating Committee has served a useful function and should continue as a mechanism for interdepartmental discussion of telecommunications matters.

6. The whole Government telecommunications structure is an uncoordinated one and will be even less adequate in the future than it has been in the past to meet the ever-growing complexities of telecommunications. A new agency is needed to give coherence to the structure.

7. There is need for a better determination of the division in the national interest of frequency space between Government and nongovernment users. To achieve that end, close cooperation between the Federal Communications Commission and the proposed new agency will be necessary.

THE SOLUTION RECOMMENDED

The urgency of the need for remedial steps in telecommunications organization calls for prompt action.

We recommend the immediate establishment in the Executive Office of the President of a three-man Telecommunications Advisory Board served by a small, highly qualified staff to advise and assist the President in the discharge of his responsibilities in the telecommunications field. Its task would include formulating and recommending broad national policies in this field, and giving advice and assistance in the formulation of policies and positions for international telecommunications negotiations.

In spite of the recommendations of the President's Communications Policy Board, the actions taken thereafter merely contributed to the drifting and vacillation in this area. Warning signals about the inadequacy of the program were referred to on numerous occasions by various people and technicians and others interested in the problem.

In 1956, Mr. C. W. Loeber, in a document entitled "Regulation and Administration of Telecommunications in the United States," recommended, after discussing the deficiencies in the national telecommunications program, that—

A national policy be developed promptly, preferably with congressional guidance, as to the kind of radio service which would be authorized and licensed by the Federal Government. Because of the serious shortage of radio frequencies such policy is needed urgently to avoid a breakdown in radio service essential to the national defense, safety of life and property, and economic welfare of the country.

He also concluded that—

The present methods within the Government for the coordination of frequency assignments are cumbersome and inefficient. They do not insure that such assignments are made in the overall national interest and do not provide needed flexibility of adjustment to meet the rapidly changing circumstances. They have in the past prevented U.S. delegations to international conferences from having negotiable positions.

In 1957, Mr. T. H. Nesbitt, in a paper entitled "Inadequacy of U.S. Telecommunications Policy and Its Effect on the National Security," submitted to the Industrial College of the Armed Forces, concluded:

The United States has no effective centralized fountainhead of telecommunications authority by which it can weld together the many diversified and conflicting interests into an effective mechanism which will best serve the national interest.

In 1958, Dr. Edward L. Bowles, consulting professor of industrial management, of the Massachusetts Institute of Technology, and specialist in communications and electronics, submitted a special report to the Senate Committee on Interstate and Foreign Commerce, and stated, with respect to allocations and other communications policy, that—

There is no high-level agency within the Government to resolve conflicts arising among governmental interests, much less those arising between governmental and nongovernmental interests. Government policy and administrative development have not kept pace with technical and industrial development in communications. The modernization of the national air control facilities presents, in itself, a vital problem. Radar and other communications developments in the military area, under present lack of overall administration, promise to present serious conflicts with civil communications, including interference with television broadcasting, if allocations plans are not scrupulously coordinated. In ordinary circumstances, a lack of overall unity may be simply inconvenient; in times of emergency it can prove disastrous * * * techniques have advanced at a prodigious rate and two existing new modes of radio communication have been discovered; ionospheric and tropospheric scattering. The military have particular reason to be interested in the potentialities of these new techniques. Ionospheric scattering points to new applications in the lower VHF band, tropospheric scattering, the UHF band.

In 1959 there is to be an international radio conference. Our needs must be clearly understood if we are to plead them successfully and secure them by international agreement. There is thus an imperative need for a critical study of the radio spectrum in terms of governmental and nongovernmental needs.

Recently, a staff report prepared for the Senate Committee on Aeronautical and Space Sciences, concluded, among other things:

14. The general problem of worldwide communications involves a complex and interrelated set of economic and political as well as technical considerations. Thus, any plans for such an important step as space service requires reevaluation of broad national policies in the field of communications. At the present time, such policies do not appear clearly defined. Moreover, the mechanism for establishing policy is unclear.

15. The most careful and comprehensive study should be undertaken by the executive branch without delay to examine elements of public policy concerned with communications, specifically as related to—

(a) The identification of central Federal authority for communication policy.

(b) The evaluation of such policies in the context of space telecommunications.

(c) The implications with regard to traditional U.S. practice, wherein private commerical interests rather than the Federal Government are responsible for both domestic and oversea communications.

Only in the last 2 weeks, James N. Landis, in the report on regulatory agencies which he prepared, also referred to the lack of coordination in the communications field, both internationally and domestically.

In 1963, there is scheduled to take place in Geneva, an Extraordinary Administrative Radio Conference, at which negotiations regarding additional frequency channels among foreign countries are to take place. I note that the Department of State, the Federal Communications Commission, and the Interdepartment Advisory Committee are presently making plans for this conference. I especially want to commend Commissioner T. A. M. Craven for his work in this area, because, as I understand, he has pioneered and pushed this program, in order to prepare our Government's position.

I know there are various approaches to this problem; but I think the wisest course is the establishment of the type of commission called for by the joint resolution I am introducing today. I am hopeful that the Senate will act quickly, so that this program of developing an overall national telecommunications policy will not be delayed any longer.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 32) to establish a commission to study and report on the organization of the Federal Communications Commission and the manner in which the electromagnetic spectrum is allocated in the agencies and instrumentalities of the Federal Government, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

SPECIAL COMMITTEE ON AGING

Mr. McNAMARA. Mr. President, I submit a resolution, and ask unanimous consent that it be referred to the Rules Committee. The resolution, I believe, normally would go to the Committee on Labor and Public Welfare, but I think

we have cleared it with the chairman of the Committee on Labor and Public Welfare, the Senator from Alabama [Mr. HILL]. If there is no objection, we would like it to go directly to the Rules Committee. It will save a little time.

Mr. DIRKSEN. I have no objection. I think that course would be preferable.

The PRESIDENT pro tempore. The resolution will be received and referred to the Committee on Rules and Administration.

The resolution (S. Res. 33) submitted by Mr. MCNAMARA, was received and referred to the Committee on Rules and Administration.

Mr. MCNAMARA. In connection with the referring of the resolution, I have a very brief statement which I wish to make.

The White House Conference on Aging is now over.

The hundreds of delegates who participated in the 4-day Conference are returning to their home States rededicated in their desire to attack the problems that accompany retirement and old age.

It will take some time, of course, to digest and discuss the mass of information and ideas generated by the White House Conference.

But there is one immediate, tangible result: This is the knowledge that the Federal Government, as demonstrated by the calling of this Conference, is keenly aware of the problems affecting the elderly and the need to do something about them.

But we must not believe that the Federal Government, simply by conducting this Conference, has discharged its obligations or responsibilities in this vital area.

On the contrary, the Conference has shown anew that meeting the problems that exist today, and the new ones of tomorrow, requires redoubled efforts on the part of all levels of government, of public and private organizations, and of individuals.

Over the past 2 years it has been my honor to serve as chairman of the Senate Subcommittee on Problems of the Aged and Aging of the Labor and Public Welfare Committee.

I am proud of the contributions we have been able to make.

But I am even more impressed by the complexity of the job we have taken on and the work that remains to be done.

Thus, I propose in the resolution I have offered today the establishment of a Special Senate Committee on Aging to carry on and expand the work begun by the subcommittee.

The special committee, which would not have legislative functions, would be empowered to conduct studies in many fields connected with retirement and aging, and make recommendations which would be directed to standing committees having legislative jurisdiction.

I have been delighted with the cooperation and advice received in the past from the distinguished chairman of the Labor and Public Welfare Committee, the Senator from Alabama [Mr. HILL], and I am pleased that he has no objection to the creation of a special committee.

In conclusion, I ask unanimous consent that the text of the resolution be printed in the RECORD, together with a statement in support of the measure.

There being no objection, the text of the resolution and the statement were ordered to be printed in the RECORD, as follows:

S. RES. 33

Whereas our great and satisfying success in making possible a longer life for a large and increasing percentage of our people has produced, and will continue to produce, new and serious strains in the fabric of our social and economic life; and

Whereas since the sixteen millions of people 65 years of age and older in the United States will have increased to twenty million by 1975 it is incumbent upon us now to attempt to discover what social and economic conditions will enable our older citizens to contribute to our productivity and to lead meaningful, satisfying, independent lives; and

Whereas the Subcommittee on Problems of the Aged and Aging of the Committee on Labor and Public Welfare has amassed a wealth of information on the subject which is unmatched anywhere, which should be kept current and mined for possible answers to particular facets of the problem; and

Whereas that subcommittee has shown that although specific elements of the problem may call for action by various legislative committees the problems themselves are highly interrelated, require coordinated review and call for recommendations based on studies in depth of the total problem; and

Whereas that subcommittee has concluded that this subject is of such grave concern to the Nation as to require the full time and attention of a special committee of the Senate: Now, therefore, be it

Resolved, That there is hereby created a special committee to be known as the Special Committee on Aging and to consist of Senators to be appointed by the President of the Senate as soon as practicable after the date of adoption of this resolution.

SEC. 2. It shall be the duty of such committee to make a full and complete study and investigation of any and all matters pertaining to problems of older people, including but not limited to, problems of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

SEC. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

SEC. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

SEC. 5. For purposes of this resolution, the committee is authorized to employ on a temporary basis through January 31, 1962, such technical, clerical, or other assistants, experts, and consultants, and, with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, employ on a reimbursable basis such executive branch personnel, as it deems advisable.

SEC. 6. The expenses of the committee, which shall not exceed $, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SEC. 7. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than January 31, 1962. The committee shall cease to exist at the close of business on January 31, 1962.

STATEMENT BY SENATOR PAT MCNAMARA ON CREATION OF A SPECIAL COMMITTEE ON AGING

Nothing distinguishes our society more from the underdeveloped nations of the world than our concern with the conservation of human life. Nothing in our system of living has been more intended than to prevent death.

We have made great strides toward this end. Life expectancy in this Nation has increased almost 1 year for every 2 since 1900.

Yet, at a very time when we are attempting to exert a worldwide leadership to convince these underdeveloped nations that our way of life is most rewarding, we are faced with the paradox of our success in conserving life.

Yes, we have increased life expectancy. No greater achievement has been recorded than the reduction of infant mortality. We have made great gains in sustaining health in middle and old age. We have adjusted our productive system to prevent deterioration of living conditions.

We have placed emphasis on the protection of children and women. We have written laws to assist the disabled workman and the unemployed workman. No nation enjoys a greater standard of living than ours.

We have made it possible in this Nation for more and more persons who have contributed to their society to live on beyond the years of regular employment.

Now we are faced with the problems which these great achievements have created—the problems of living in a dignified and satisfying retirement. Have we achieved success in extending life only to allow it to wither in declining years? Or does conservation of human life mean more than mere existence?

That our concern with human life goes beyond sustaining mere existence is borne out, I believe, by recognizing that our older citizens face unique problems. There is a growing realization that social action on behalf of the aging should be based on concern not only with biological problems but also with mental and social problems.

This Senate recognized these problems, this paradox, and, in a world of competing philosophies, the importance of finding solutions to them when it authorized the creation of a Subcommittee on Problems of the Aged and Aging.

I am proud of the record of the Subcommittee on Problems of the Aged and Aging, of which I have been privileged to serve as chairman. In a short interval, with a small staff, we have been able to gather a wealth of information, outline the dimensions of the total problem, and have recommended priorities for action. We are now underway with the essential and difficult task of translating facts and study into legislative accomplishment.

For example, we were able to illuminate the difficult area of medical insurance for the aged, and last year we introduced a bill with 23 cosponsors. It is a bill which combines a balanced medical program with a sound, dignified insurance method of financing. We hope—with a new, positive climate in Washington—that this bill will be enacted shortly.

But the outlines of problems, the presentation of priorities for action do not constitute actual solutions and improvements. These are the great objectives before us as we make effective use of what we have learned. Solutions, analyzed in depth, will be brought before this body for consideration. For the concerns of an increasingly aging population grow in size and complexity at an alarming rate. They affect not only the aging, but all of us who will be growing old. They affect children seeking decent nursing homes for stricken parents. They affect mature workers wrought with fear of age discrimination in employment. They affect us as parents, as children, as wives or husbands, and as members of families who see in others and in ourselves the lengthening of years. They affect us as taxpayers, for the problems of aging are our business and as a people we pay a large part of the costs. As one report states: "Short of birth itself, and death, scarcely any fixed pattern of man's story affects all mankind more."

Here are some basic facts which indicate with what we must cope:

There are now more than 16 million Americans over 65 and there will be 20 million in just 15 years.

Six million are now over 75 and, in a few years, this will rise to 9 million.

Some 13 million people today spend an average of 11 years in retirement; in 40 years, some 20 million will be spending 20 years in retirement.

These and other facts raise a number of questions that demand thorough and systematic consideration by a special committee of the Senate with a special view of the interrelated nature of the total problem.

For example, what is an adequate income for varying categories of older Americans? The Bureau of Labor Statistics recently estimated that a modest budget for retired elderly couples in 20 cities, as of 1959, was slightly over $2,800 for the median. Although the figures are not exactly comparable, the Census Bureau reports for the same year that the median total money income for families with aged heads, either fully retired or working part time, was $2,522. These figures show that about one-half of retired couples are attempting to live on incomes uncomfortably or desperately below the minimal figures for a decent American standard of living.

Second, what new social arrangements are called for by the dramatic changes in the age-structure of our older population? To what extent is the American society as a whole being alerted to such changes? As a result of increased longevity, we are moving toward a ratio of 2 persons aged 80 and over for every 3 persons just entering old age. Today, the ratio is only 1 to 3. In other words, the trend is toward a doubling of this ratio within 40 years. This means that young Americans, in their early twenties today, will be facing the challenge of preparing not only for their own retirement problems, but also for those of their parents who will still be living, in their eighties and older.

How will these and similar quiet revolutions in population affect the Nation's patterns of consumption, savings, housing, and financial responsibility, to mention only a small fraction of the far-reaching implications of an aging population?

Third, given the demonstrated possibilities of rehabilitative and restorative medicine among the aged, what new health facilities and personnel are called for, and what is the accessibility of such facilities to the aged? Approximately one-half of the aged persons in today's nursing homes could, through such restorative techniques, be released from them for more active participation in their family and community affairs.

Fourth, what share of the national income should be devoted to public and private programs for the aged, and in what particular types of programs? Today, no more than 4 percent of the national income is devoted to public and private programs of pensions, OASI benefits, and OAA payments.

The economic effect of an aging population will be great. Not only will more people have to devote their lives to caring for the aged, but the whole pattern and tempo of employment will, in time, be changed. It would seem important, then, that consideration be given to preventing the aged from becoming too great a burden on their younger contemporaries. But are we capable of devising public policy which would result in the aged remaining fit and independent in their homes with a continuing contribution to our society?

Some of what I have noted here are old but changing problems. Some are new. By far the most serious of the new problems is the ever increasing emergence of great-grandparents dependent upon grandparents themselves retired and unable to meet the burdens of advanced years. The burden of support in our modern, urban, industrialized society has become a cooperative family-voluntary-public responsibility.

One of the most adequate descriptions of today's conditions of the aged has been written by Dr. Heinz Woltereck in the preface of his book "A New Life in Your Later Years." He said:

"In our century, the potential improvements of human existence have surpassed those of previous historical periods beyond all possibilities of comparison. Science and technics have achieved success upon success. In the world of sport, one record after another is constantly being broken. In short, our physical and mental abilities have both increased to an astonishing degree. These facts no longer surprise us; we have come to take them for granted. Yet there is one aspect of these new developments, possibly the most important consequence of all, which we can observe daily and which, nevertheless, has as yet made hardly any impact on public opinion. This is the increase in the life span of civilized man. Since our grandparents' day, the average expectation of life has, roughly speaking, doubled. As a result, the attainment of the later years in life, or of very old age, is no longer an exception in civilized countries, but is becoming the rule there.

"Until recently, neither our views on the status of the old in our society, nor our social measures, have kept pace with this situation. We are now only beginning to realize slowly that this new social group, the elderly and the old must be fitted into our social organization and suitably cared for. * * *

"Many of us ask ourselves whether the additional years or even decades that have been granted to us are actually worth living, or whether those who dread old age are not, in fact, right."

These comments spotlight another emerging and serious problem involving the aged: the progressive decline in the proportion of men over 65 in the Nation's labor force. In 1890, about 70 percent of the men over 65 were in the labor force; in 1959, the proportion was 34 percent and the trend continues downward.

Reemployment of the older segment of the aging population in regular types of jobs may be an unrealistic objective for many reasons, including employer prejudice, automation, health and not the least, a growing desire among many to retire to a life of new and more interesting activity. Whatever the reason, the innumerable problems arising from the decline of the older man in the work force are self evident.

For if the vast majority are to go into retirement, they should not have to view this with guilt feelings as years of parasitism. Retirement is no longer characterized as a period of withdrawal, but as an opportunity for pursuit of a wide variety of avocational interests, civic service, personal development and recreation. It should be an honorable period of life, deserving dignity and respect to continued contributions different from, but as important as, the ordinary job.

To quote again: "* * * old age is the fate of us all, the goal of all our lives. It is a great and fine task to seek the correct solution to a problem that will finally set free the noblest values known to humanity. It is up to all of us to create the appropriate conditions for this purpose."

I have noted here the complex problems of the aged facing this Nation and our moral obligation to solve them. I have described briefly the need for a special committee as the vehicle to find the solutions.

Let me now examine in some detail the job that faces this special committee. But before I do, it may be helpful to review very briefly the work of the subcommittee in fulfilling its function as charged by the Senate.

The adoption of Senate Resolution 65 in 1959 creating the existing subcommittee was an important recognition by the Senate of the need for a systematic reexamination of a growing and changing problem. It placed in the spotlight of national attention the needs of 16 million Americans over 65. It symbolized, in legislative terms, the extent to which the senior citizens of this Nation have emerged as an area of national concern.

It established a clear point of contact for learning the views, recommendations, needs, and grievances of senior citizens. The voluminous correspondence received from older persons all over the Nation describing individual problems, and seeking answers to felt needs attests to its role in partially filling a national vacuum.

A sentiment now exists among the aged—emphasized and reiterated to us from coast to coast—that the action of the Senate in establishing this subcommittee promised a new era for senior citizens and symbolized concretely the concern of the U.S. Senate for their welfare.

The elderly of this country are hopeful that the Senate has not kindled a romance which is fated to burn out quickly. Many asserted that their disillusionment with conditions in their "golden years" already is high. Additional anxiety and bitterness can only result if this new study is not sustained and does not lead to affirmative action.

Extensive hearings began in Washington when a score of nationally recognized experts presented the best thinking in the field of aging to the subcommittee. In addition, the subcommittee received testimony from Federal agencies concerned with various aspects of the aging problem. It then heard the views of approximately 50 national organizations concerned with the problems of older citizens, providing them an opportunity for the first time to describe their plans and programs, to set forth major problems as seen in their own experience, and to offer their own recommendations for action.

Besides the hearings, the subcommittee surveyed the views of thousands of persons and organizations throughout the country through interviews and correspondence.

But hearings with national experts and surveys were not considered enough. The subcommittee went to the nation's communities where the practising experts are. These are public officials, heads of voluntary agencies—state and local—who work full time with older people and daily are on the firing line. Above all, however, the ones who know their problems best are the aged themselves. And these are the citizens that rarely get a chance to speak for themselves.

The subcommittee spoke directly to older citizens not only at the hearings, but in visits to the living accommodations of the aged. Visits were made to nursing homes,

homes for the aged, senior centers, housing developments, areas being redeveloped, hospitals, retirement hotels, and retirement villages.

I believe that I ought to emphasize at this point that the older Americans who spoke to us were quite insistent that they sought not charity but the conditions under which they can be independent, and self-respecting.

Out of this activity, the subcommittee collected extensive data.

It collected data to show how this problem of aging developed and how it became of great national importance.

It collected information which depicts factually the conditions of the elderly in this country. This includes data on employment, income problems, health, financing medical care, nursing homes, housing for the elderly, social services, and education.

And out of its hearings and study came the subcommittee reports including:

1. "The Aged and Aging in the United States;" expert views, hearings.
2. "The Aged and Aging in the U.S.—Summary of Expert Views."
3. "Federal Programs for the Aged and Aging."
4. "National Organizations in the Field of Aging."
5. "Survey of Major Problems and Solutions in the Field of the Aged and Aging."
6. "The Aged and Aging in the United States, the Community Viewpoint" (seven volumes).
7. "The Aged and Aging in the United States, a National Problem, a Report to the Senate."
8. "Health Needs of the Aged and Aging."
9. "Health Needs of the Aged and Aging—Highlights of Testimony."
10. "Comparison of Current Health Insurance Proposals for Older Persons."
11. "The Aged in Mental Hospitals," a report.
12. "The Condition of American Nursing Homes."
13. "The Status of Aged Women in the United States."
14. "Aging Americans: Their Views and Living Conditions."
15. "Background Studies Prepared by State Committees for White House Conference."
16. "Voluntary Organizations in the Field of Aging."

A report of the subcommittee will be filed by January 31 under the 1960 resolution. It will contain sections on financing medical care, the need for a decent income, the importance of emphasizing research, the problems of the aged mentally ill, productive activity in retirement, and the role of a Federal organization for aging.

The hearings and reports constitute only the supporting phases of the subcommittee's work. Out of these grew a program of legislation introduced in this Chamber last year.

Some of this legislation expended existing programs. But much of it consisted of pioneer approaches to the problems of the aging.

Bills introduced which actually came to a vote in the Senate included:

1. An appropriation of $50 million for direct loans to nonprofit groups to provide housing for older persons at rentals they can afford. (This was reduced to $20 million in conference.)

2. The Senate Housing Act of 1960 would have raised the authorization for direct loans for elderly housing to $75 million; it also included provisions requiring social, recreation, and health facilities for the elderly; in addition, it provided for special subsidies for elderly in public housing.

3. The Retired Persons Medical Insurance Act (S. 3503). The bill which I originally introduced came to a vote in a modified version and just missed passage. It is the area of legislation which has first priority this year and eventually we, in the Senate, will face up to the necessity of the times by passing the bill.

In the pioneer field, I introduced bills to: (1) end age discrimination in employment (S. 3726); (2) to protect purchasing power of retiree savings (S. 3684); (3) provide employment retraining possibilities for older citizens (S. 3793); and (4) establish an Office of Aging in the Federal Government (S. 3807).

It is no longer possible, as it once may have been expedient, to ignore or shrug off these problems and the urgent need to solve them. This legislation prepared after long and careful study should be considered and adopted by the Senate. I intend to reintroduce all these bills.

But what has been done to date is but a portion of the total task which faces us. We have many legislative ideas but they are few when considering the total problem. We have much research and many surveys but these are just the beginnings of what we need to know.

Consider here the areas where such detailed surveys are needed and what we must do with the information. They are:

Pensions: Detailed study must be given to protecting the financial independence of Americans through effective pension systems both public and private. While the Senate has made a number of studies in the area of pensions, little has been done to study them in the light of other problems of the aged.

Nursing home: A thorough study and evaluation of nursing homes must be undertaken. This is one of the most vital means of obtaining necessary health care available to older citizens. We must learn how the quality of care of the Nation's nursing homes can be improved so as to restore disabled persons to independent living.

Medical insurance: This area of need is at the legislative stage. Efficient and effective methods of meeting the medical costs of all senior citizens on a dignified basis can be enacted. Continued studies are needed to reduce excessive hospitalization and increase the efficiency of medical organization.

Mental hospitals: We must find effective means of reducing the number of older persons entering mental hospitals and remaining there for many years. This area of care is the third most costly to State government.

Health: We must learn how to speed up the process of putting into effect the proven research knowledge of today. Many lives can be saved and people can live longer and healthier lives if we could put into practice the knowledge we already have.

New research: We must widen the area of our scientific knowledge by investing in basic research which is our brightest promise to eliminate disability and deterioration with age.

Employment: This Nation with all its technological know-how must find the means for insuring that the skills of older persons can be maintained in the face of a rapidly changing technology.

Housing: We must make a comprehensive study of what kinds of housing best suit the requirements of older persons and we must evaluate the new trends toward retirement hotels and villages.

Continued activity: An examination must be made of the best means to keep older people in mental and physical activity so they can avoid becoming has-beens in this period of social change.

Education: A study must be made of the value and the feasibility of providing the opportunity for retired and older persons to continue educational pursuits left earlier in life because of the necessity of earning a living. It also should examine the feasibility for providing educational possibilities for those who never had them in their youth. It is entirely within the realm of reality that such educational activity could add years of productive contribution to the Nation by the Nation's older citizens.

I have said before, but I believe I cannot repeat too often, that the most impressive and emphatic demands of our aged have been the insistence that they do not want charity. They seek only the dignity of life that should go with old age. They do not want to be dependent on their children nor burdens on their society. What they want is not to be blocked from continuing their contributions nor forgotten in their needs. These needs can be outlined in the "Declaration of Objectives for Senior Americans" which I set forth last year:

1. An adequate income in retirement in accordance with the American standard of living.
2. The best possible physical and mental health which medical science can make available and without regard to economic status.
3. Suitable housing, independently selected, designed, and located with reference to special needs and available at costs which older citizens can afford.
4. Full restorative services for those who require institutional care.
5. Equal opportunity to employment with no discriminatory personnel practices because of age.
6. Retirement in health, honor, dignity, after years of contribution to the economy.
7. Pursuit of meaningful activity within the widest range of civic, cultural, and recreation opportunities.
8. Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.
9. Immediate benefit from proven research knowledge which can sustain and improve health and happiness.
10. Freedom, independence, and the free exercise of initiative in planning and managing their own lives.

To achieve these goals means extensive work in several areas by a committee equipped to undertake the task.

It is clear that a great task confronts a special committee of the Senate on aging. It would focus on the totality of the problem and thus provide the Senate with the knowledge to contribute mightily to improving the conditions of America's aged.

One of the crucial lessons we have learned as a subcommittee is that the problems of older persons are not contained within a narrow subject-matter compass. They cut across the gamut of governmental responsibility; each segment fades into the other and is affected by it.

Income, for example, is related to employment; housing is closely connected with employment and income and health; medical care becomes the concern of finance. A number of committees of the Senate are concerned with pieces of the problem, but there is presently no committee which is concerned with their relationships, which can view them as a whole—just as older persons themselves are whole people. The special committee therefore should have wide representation on it and in turn it can become a major resource for the relevant standing committees as they consider legislation in this field.

I have said that the problems of the aging are growing in size, scope, and complexity. It is a safe statement to add that these problems will be major matters of congressional concern in the next several years. The more than 16 million aged today will become 20 million in the not-too-distant future.

There is now a staff—small, but active—and a base of information unparalleled in the Nation from which to undertake the kinds of studies outlined here.

It needs to be expanded, to be given the tools with which to do the job.

For the question is, will we face up to the great challenge confronting our localities, our

States, and our Nation, and learn how to foster the social and economic setting in which contributions can flourish and the problems of the aging can be turned into positive civic benefits.

The sinews of the American Federal system are strengthened when States are strong, and they exercise their responsibilities. But the Federal system is weakened when the national Government does not accept and fulfill its proper share of the total obligations.

WHITE HOUSE CONFERENCE ON NARCOTICS

Mr. ENGLE. Mr. President, I submit for appropriate reference a resolution urging the President to call a White House Conference on Narcotics. The resolution provides for the setting up of a conference similar to the White House conferences we have had on education and on youth, and the conference on aging just concluded. Last year I proposed a similar resolution, but no action was taken in the Senate. The same proposal did, however, pass the House, where it had the unanimous backing of the 30-member California delegation.

Narcotics addiction is a serious problem in the United States. The traffic in narcotics keeps increasing every year. The number of narcotics arrests tripled in California between the years 1952 and 1959. New York State shows a similar pattern. Narcotics addiction has its most tragic impact on our teenagers, and is perhaps the strongest element in the acceleration of juvenile delinquency in this country. Without a strong, coordinated, and effective Federal program, no State can cope with the problem because the control of narcotics coming in from Mexico, the Far East, and other foreign areas is a Federal responsibility.

The situation has become so serious in the last few years that we can no longer disregard the need for a new and bold approach to the problem. The resolution I am today submitting calls on the proposed narcotics conference to recommend:

First. Ways and means of securing more uniformity in State and Federal enforcement of narcotic statutes and their penalties, and to delineate more clearly Federal, State, and local authority.

Second. The substance of a directive clearly defining procedures and jurisdictions between existing governmental agencies in this field.

Third. Machinery for a continuing consultation between the United States and other nations, particularly the Governments of our neighbors, Mexico, and Canada, in order to obtain the maximum international cooperation, working through existing United Nations facilities, as well as engaging in unilateral contact and consultation when the facts or situation so require.

Fourth. A proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict from the inevitable results of his addiction, and to protect society from the danger and expenses of the uncontrolled actions of the addict. And

Fifth. Such other matters as will contribute to the solution of the national problem of narcotics.

Such a program will bring the full force and effect of the President behind the problem and focus national attention on it. Only with this kind of a sweeping assault on the problem can we hope to solve it.

Mr. President, I submit for the RECORD a telegram sent by President-elect John F. Kennedy, on October 5, 1960, to the Honorable Stanley Mosk, attorney general of California, in which President-elect Kennedy stated that, if elected President, "I will convene the White House Conference on Narcotics as soon as it is reasonably practical."

I ask unanimous consent that the entire telegram be printed as a part of the RECORD.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred; and, without objection, the telegram will be printed in the RECORD.

The resolution (S. Res. 34), submitted by Mr. ENGLE, was referred to the Committee on the Judiciary, as follows:

Whereas the smuggling of narcotics and the illicit use of narcotics are serious national problems; and

Whereas the inability to achieve both a tighter control over the unauthorized importation of narcotics into this country and over the illicit use of narcotics by addicts and others in this country is causing increased nationwide concern; and

Whereas the traffic in, and addiction to, narcotics are serious problems affecting the Federal Government and the several States; and

Whereas narcotics contribute to juvenile delinquency and greatly add to the expenses of law enforcement and the cost of running the courts and the judicial system of our country; and

Whereas the departmental councils of the executive branch previously appointed have not successfully solved the problems of narcotics control: Now, therefore, be it

Resolved, That it is the sense of the United States Senate that the President should call a White House Conference on Narcotics, patterned after previous White House conferences, such as those on education and children and youth. Such Conference should be broadly representative of persons dealing with such problems at the State and local levels, and should also include, but not be limited to—

(1) an appropriate number of the Members of the House of Representatives and the Senate; and

(2) representatives of the departments and agencies of the Federal Government concerned with such problems, including, but not limited to, the Immigration and Naturalization Service, Department of Justice; the Bureau of Narcotics and the Bureau of Customs, Department of the Treasury; the Public Health Service, Department of Health, Education, and Welfare; and the Department of State; and be it further

Resolved, That it is the sense of the Senate that this Narcotics Conference should undertake to recommend—

(1) ways and means of securing more uniformity in State and Federal enforcement of narcotic statutes and their penalties, and to delineate more clearly Federal, State, and local authority;

(2) the substance of a directive clearly defining procedures and jurisdictions between existing governmental agencies in this field;

(3) machinery for a continuing consultation between the United States and other nations, particularly the Governments of our neighbors, Mexico and Canada, in order to obtain the maximum international cooperation, working through existing United Nations facilities, as well as engaging in unilateral contact and consultation when the facts or situation so require;

(4) a proposal for a Federal-State hospitalization program for the purpose of protecting the narcotics addict from the inevitable results of his addiction, and to protect society from the danger and expenses of the uncontrolled actions of the addict; and

(5) such other matters as will contribute to the solution of the national problem of narcotics; and be it further

Resolved, That it is the sense of the Senate that the White House Conference on Narcotics should submit a report to the President and the Congress setting forth its recommendations with respect to the problems relating to the traffic in, and addiction to, narcotics, and any other results of its deliberations.

The telegram presented by Mr. ENGLE is as follows:

WASHINGTON, D.C., *October 5, 1960.*

HON. STANLEY MOSK,
Attorney General:

Have long been aware that the traffic in illicit narcotics is one of our major law enforcement problems. I am told that all the marihuana and approximately 75 percent of the heroin being peddled in your State of California originates outside the United States. The Federal Government must obviously assume some responsibility for halting the international traffic in narcotics. This will mean that we must uses every enforcement agency at both the State and the local level and that we must enlist the cooperation of our good neighbors on our borders.

I am aware of House Resolution 431, which was adopted in April of this year suggesting a White House conference. In addition, Resolution 20 adopted by the National Conference of Attorney Generals in July called for a similar conference on this problem. I believe such a conference can serve a valuable purpose. It should seek a method for securing uniform State-Federal enforcement: It should recommend a method for implementing machinery for consultation between the United States, Mexico, and Canada; and it should consider a Federal-State hospital program for the addict, as well as such other appropriate matters that will help alert the Nation, and contribute to the solution of the narcotics problems. In answer to the question in your telegram I assure you that, if I am elected President, I will convene the White House Conference on Narcotics as soon as it is reasonably practical.

JOHN F. KENNEDY.

PROPOSED SENATE RULE CHANGES DESIGNED TO STREAMLINE THE PROCEDURES OF THE SENATE AND TO MAKE THEM FAIRER FOR ALL CONCERNED

Mr. CLARK. Mr. President, I submit, for appropriate reference, four proposed changes in the rules of the Senate.

The PRESIDENT pro tempore. The resolutions will be received and appropriately referred.

The resolutions, submitted by Mr. CLARK, were received and referred to the Committee on Rules and Administration, as follows:

S. RES. 35

Resolved, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: "Upon the request of any Sen-

ator who has been recognized, his remarks upon any subject may be delivered in writing, and if so delivered shall be printed in the Congressional Record in the same manner as if those remarks had been delivered orally."

SEC. 2. S. Res. 121, Eightieth Congress, first session, agreed to July 23, 1947, is repealed.

S. RES. 36

Resolved, That paragraph numbered 1 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended by adding at the end thereof the following new sentence: "Whenever any Senator has held the floor for more than three consecutive hours, an objection to his continued recognition shall be in order at any time, and, if such an objection is made, the Senator shall yield the floor.".

S. RES. 37

Resolved, That paragraph 4 of rule XIX of the Standing Rules of the Senate (relating to debate) is amended to read as follows:

"4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the chair, which appeal shall be open to debate."

S. RES 38

Resolved, That rule VII of the Standing Rules of the Senate (relating to morning business) is amended by adding at the end thereof the following new paragraph:

"8. One hour, if that much time be needed, shall be set aside for the transaction of morning business on each calendar day at the opening of proceedings or, if the Senate is in continuous, around-the-clock session, at noon. The period for morning business may be extended upon motion, which shall be nondebatable, approved by majority action. No Senator may address the Senate for more than three minutes during the period for morning business, unless he has obtained leave by unanimous consent to address the Senate for a longer time."

Mr. CLARK. Mr. President, I ask unanimous consent that explanatory statements in regard to the proposed rule changes may be printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

The first proposal would amend the Senate rules to permit any Senator who has been recognized to have a speech inserted in the CONGRESSIONAL RECORD in normal type without having to read any or all of the text.

The rule requiring a Senator to read each and every word of his speech to a sometimes nearly empty Chamber in order to have his remarks appear in normal size print in the CONGRESSIONAL RECORD wastes an inordinate amount of time. The adoption of a rule that speeches may be printed in the RECORD, whether delivered in full or not, will make it possible for Senators to get their remarks to the press and in the RECORD without taking the time of the Senate to read them—valuable time which could be devoted more profitably to many other purposes.

It is interesting to note that many a Senator, including this one, has taken advantage of an informal custom by which a long speech is placed in its entirety in the RECORD in normal type although only the first and last lines are read. Some Senators are not willing to engage in this harmless subterfuge. Would it not be better to adopt the suggested rule and avoid this hypocrisy? Surely no one can seriously contend that the reading of a long speech to an empty Chamber is an appropriate part of either the legislative process or debate.

The proposal is one in a series of rules changes sponsored by the Senator from Pennsylvania during the current session to streamline Senate procedures. A rule requiring Senate debate to be germane to the pending business and one to permit Senate committees to sit when the Senate is in session were previously introduced.

The second proposal would amend the Senate rules to permit any Senator to object when another Senator holds the floor for more than 3 hours during Senate debates.

In the 18th century when the Senate had 26 Members and the legislative calendar was brief and did not contain matters of urgent importance to many millions of people, there was time to permit individuals to engage in filibusters. There is no time for such tactics in the 1960's. Marathon speeches by any one Senator in a body which now numbers 100 Members should not be tolerated.

I submit that no Senator needs more than 3 hours to expound his views on any specific matter coming before the Senate for action. Senators will judge for themselves whether they can recall a single occasion on which any Member took more than 3 consecutive hours to state his views on any subject when his purpose was not purely one of delay. I recall no such occasion.

When a Senator is interrupted repeatedly by a colloquy the Senate can be relied upon to grant unanimous consent for the Senator to continue beyond the 3-hour period, unless the colloquy is obviously engaged in for the purpose of delay. If he cannot get such consent, he would still have the right under rule XIX to speak once more on the same subject during the same legislative day, if he can obtain recognition.

I am reminded of Oliver Wendell Holmes' apology when he delivered a particularly long opinion one day as a member of the Massachusetts Supreme Court: "I did not have time to write a short one." A 3-hour speech is hardly a short one, but the Senate should take the time next January, when we determine the rules we will operate under during the 87th Congress, to make sure that no future speech is longer than that.

The third proposal would modify Senate rule XIX, requiring a Senator to take his seat without a ruling by the Chair that he has spoken disparagingly of another Senator, which has become a deterrent to frank and free debate.

Rule XIX, sensibly revised, is quite unobjectionable, but it has been construed to permit a Senator at any time to interrupt another Senator, raise a point of order and require that Senator to take his seat without any ruling on the part of either the Presiding Officer or the Senate that the Senator called to order has violated the rule. All Senators will recall the several instances of abuse of the rule which have occurred during this session of Congress.

In the 2d half of the 20th century, the courtly procedures of the late 18th century frequently seem out of place. Ordinary courtesy, however, is still the rule of conduct between mature individuals. In the heat of debate, Senators may violate rule XIX, and if they do, should properly be required to take their seats. But this should never be done unilaterally entirely upon motion of the Senator who takes affront. In each instance the Chair should state whether, in its opinion, the rule has, in fact, been violated.

If the Chair's ruling is in the negative, the Senator should be permitted to proceed without taking his seat, subject to an appeal from a ruling. Similarly if the Chair rules, adversely to the Senator holding the floor, the latter should have the right to appeal from the ruling of the Chair before being required to take his seat.

The other proposal would regulate the transaction of morning business to provide a regular hour for such business each day and limit individual speeches during the morning hour to 3 minutes each.

The other rule change I am suggesting today—to regulate the transaction of morning business—is also intended to speed Senate business. The term "morning hour" is a misnomer under our present practice. It is well known that 2 hours, from noon to 2 p.m., are frequently used for morning business on new legislative days. I suggest that we limit morning business to 1 hour daily, unless a majority of Senators vote to extend the period, and that the 3-minute limit on individual speeches, which is a custom now honored as much in the breach as in the observance, be written into the Senate rules. The morning hour is a valuable and appropriate time for the delivery of remarks by Senators on current events and other miscellaneous business. My proposed rule would make it impossible for one Senator to block the holding of a morning hour daily even if the Senate is meeting in recessed or continuous session, and yet it would curtail the overall time spent on matters nongermane to the pending bill or resolution.

REPEAL OF THE SELF-JUDGING CLAUSE

Mr. HUMPHREY. Mr. President, today, on behalf of myself, Senator MORSE and Senator JAVITS, I am resubmitting my resolution to repeal the so-called self-judging reservation which limits our adherence to the World Court.

In the past 2 years there has been considerable debate on this issue, much of it quite heated. I suspect that much of the strong support, and much of the strong opposition, proceeds from exaggerated concepts of what the resolution seeks to do.

So let me briefly state the purpose of the resolution and give its historical background. In 1946 the U.S. Senate voted to adhere to the jurisdiction of the International Court of Justice. The Foreign Relations Committee proposed an amendment to except "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States of America." So far so good. These words were not necessary, since they were merely reiterated an idea which is spelled out very clearly in the statute of the Court, but they do no harm.

But then, on the Senate floor, and without committee approval, eight additional words were added, and it is these which my resolution seeks to repeal. These are the words, "as determined by the United States of America." In other words, we reserve to ourself the right to judge, in each case, whether we think a dispute is domestic, or whether we will accept the Court's jurisdiction.

It takes only plain commonsense to see that this negates our whole acceptance of the Court's compulsory jurisdiction, and it makes each submission a

purely voluntary act. And commenting on such a clause in another nation's adherence, the late Judge Lauterpacht, a Briton, said exactly that.

The purpose of my amendment is a modest one. It merely seeks to go back to what the Foreign Relations Committee recommended in 1946. It merely seeks to go back to the language which the State Department approved at that time, and which it consistently supported ever since. It merely seeks to restore the language which the American Bar Association supported at that time, and which it has consistently supported ever since.

And the American Bar Association ratified that position, after extensive debate and thorough consideration, at its convention in Washington last year. And my amendment merely seeks to restore the language which has been consistently supported by the American Society of International Law.

Why is it important to repeal this self-judging reservation?

There are several reasons.

First, any limitation contained in the acceptance of the Court's jurisdiction by one party is automatically given also to its adversary in any suit as a reciprocal right. Thus, if we sue country A, that country can claim all of the provisions of our reservation, and can decide that in its own view, the dispute is within its domestic jurisdiction and not subject to the Court's jurisdiction. This has already occurred in several famous cases. The reservation, in short, is a boomerang.

Second, the U.S. self-judging reservation has encouraged other nations to adopt similar reservations. The overall effect has been the discouragement of the principle of judicial settlement of international disputes.

So if we believe in the Court at all—if we think a strong World Court would serve the national interests of the United States, we should take this small step toward increasing its effectiveness.

This leads us to the question: Would a stronger Court serve the national interests of the United States?

This is an easy question to answer.

The United States is the world's largest trading and commercial nation. It has very important business interests abroad. Business and commerce require legal methods of settling disputes, of adjudicating claims and of collecting debts. A judicial system is most useful to the protection of creditors' rights. We are creditors. The lawyers in the United States who have had a substantial practice in counseling U.S. business interests abroad have consistently, through their professional associations, advocated the course which I propose today.

Further, as a nation which is deeply involved in world affairs, and which has a tremendous interest in world stability, we sense a very great need for the development of institutions, on a world level, which will give a sense of stability and organization to the world community.

At the present time, our self-judging reservation puts our great influence on the wrong side, from the viewpoint of our own interest.

What do we risk if we pass this resolution?

Very little. The remaining language in our reservation still excepts domestic matters. The Court's statute still excepts domestic matters. But we submit to the Court the question of whether an issue is domestic or not.

Now an analysis of the conduct of the judges of the Court, made by the committee on international and comparative law of the American Bar Association indicates that the judges of the International Court of Justice have been most cautious in their judgment of what lies within the Court's jurisdiction and what is a matter of domestic jurisdiction. There is no reason to suspect that this will change.

I have heard some who fear that judges from Russia or other Communist countries might seek to extend the Court's jurisdiction. Just the reverse is true. The Russians take the most extreme position to protect national sovereignty. They are distrustful of the Court and seek to limit its effectiveness.

As a matter of fact, not a single Communist nation has agreed to accept the jurisdiction of the World Court.

Indeed, I think it is safe to say that the passage of this repeal would make very little immediate difference. But it is important because the United States is precisely the country that should be seeking to widen the Court's sphere of activity. Our leadership should be exerted in that direction. At the present time, unfortunately, it is exerted in the opposite direction.

This is a very limited issue. I am at a loss to understand the controversy it has stirred up. In a way, however, this might well have a healthy effect. A heated controversy produces education. Many people come to shout and stay to think.

This is a measure that was endorsed by President Eisenhower and President-elect Kennedy, and has had the support of every public official who ever dealt with the problem.

In presenting this resolution, I am aware that it will require a vote of two-thirds of the Senate, and that a slight degree of controversy may lead many to believe that the cause is lost.

I have no sympathy with this counsel of defeat. I hope that hearings will be held promptly, that the issue will be thoroughly ventilated, and that we will have a debate on the Senate floor and a vote. I view this as an important educational process, as well as an important step toward national maturity. Defeat will not be tragic, because public discussion will result in public education.

I am confident that if this resolution is examined on its merits it will receive the backing and support of an overwhelming majority of the Senate Members on both sides of the aisle.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 39) relating to recognition of the jurisdiction of the International Court of Justice in certain legal disputes hereafter arising, submitted by Mr. HUMPHREY, on behalf of himself and Mr. MORSE and Mr. JAVITS, was received, read twice by its title, and referred to the Committee on Foreign Relations, as follows:

Resolved (two-thirds of the Senators present concurring therein), That S. Res. 196 of the Seventy-ninth Congress, second session, agreed to August 2, 1946, is hereby amended to read as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, of a declaration under paragraph 2 of article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

"a. the interpretation of a treaty;

"b. any question of international law;

"c. the existence of any fact which, if established, would constitute a breach of an international obligation;

"d. the nature or extent of the reparation to be made for the breach of an international obligation.

"Provided, That such declaration shall not apply to—

"a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

"b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States; or

"c. disputes arising under a multilateral treaty, unless (1) all parties to the treaty affected by the decision are also parties to the case before the Court, or (2) the United States specially agrees to jurisdiction.

"Provided further, That such declaration shall remain in force until the expiration of six months after notice may be given to terminate the declaration."

ASSISTANCE TO CERTAIN NEEDY CHILDREN—ADDITIONAL COSPONSOR OF BILL

Mr. CLARK. Mr. President, I am honored that one of our new colleagues, the distinguished junior Senator from Oregon [Mrs. NEUBERGER], desires to become a cosponsor of S. 306, which I introduced on behalf of myself and the junior Senator from West Virginia [Mr. RANDOLPH]. This bill would amend the Social Security Act so as to permit children who are in need because of the unemployment of their parents to be eligible for aid to dependent children. I ask unanimous consent that her name be added when the bill is next printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EVALUATION OF CERTAIN RECREATIONAL BENEFITS—ADDITIONAL COSPONSORS OF BILL

Mr. KERR. Mr. President, some days ago I introduced a bill which has been designated S. 121. I request unanimous consent that there be joined as cosponsors of the resolution the distinguished Senators from California [Mr. KUCHEL and Mr. ENGLE].

The PRESIDENT pro tempore. Without objection, it is so ordered.

CAPITAL BUDGET FOR FEDERAL GOVERNMENT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of January 6, 1961, the names of Senators METCALF, HART, and GRUENING were added as additional cosponsors of the bill (S. 195) to amend the Employment Act of 1946 to establish policies with respect to productive capital investments of the Government, introduced by Mr. MORSE (for himself and other Senators) on January 6, 1961.

ESTABLISHMENT OF A WATER POLLUTION RESEARCH LABORATORY IN THE PACIFIC NORTHWEST—ADDITIONAL COSPONSOR OF BILL

Under authority of the order of the Senate of January 10, 1961, the name of Mr. JACKSON was added as an additional cosponsor of the bill (S. 325) to establish a Federal Regional Water Pollution Control Research Laboratory in the Pacific Northwest and for other purposes, introduced by Mr. MORSE (for himself and other Senators) on January 10, 1961.

VETERANS READJUSTMENT ACT OF 1961—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of January 11, 1961, the names of Senators CANNON, BURDICK, MCCARTHY, and CARROLL were added as additional cosponsors of the bill (S. 349) to provide readjustment assistance to veterans who serve in the Armed Forces between January 31, 1955, and July 1, 1963, introduced by Mr. YARBOROUGH (for himself and other Senators) on January 11, 1961.

ADDITIONAL COSPONSOR OF BILLS

Mr. KEATING. Mr. President, I ask unanimous consent that the Senator from Indiana [Mr. CAPEHART] be added as a cosponsor on S. 3, S. 198, and S. 324, and that his name be added at the next printing of the bills. The Senator has received the consent, in each instance, of the principal sponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL MINERALS POLICY—ADDITIONAL COSPONSOR OF BILL

Mr. ALLOTT. Mr. President, I ask unanimous consent that the Senator from Alaska [Mr. BARTLETT] be added as a cosponsor to the bill (S. 210) to establish a National Minerals Policy, and that his name be added as a cosponsor on the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON A NATIONAL FUELS STUDY—ADDITIONAL TIME FOR CONCURRENT RESOLUTION TO LIE ON THE DESK

Mr. HARTKE. Mr. President, there is at the desk Senate Concurrent Resolution 4, proposing creation of a Joint Committee on a National Fuels Study. This measure was introduced January 9, 1961, by the senior Senator from West Virginia [Mr. RANDOLPH], for himself and other Senators, including the junior Senator from Indiana, who now addresses the Senate.

On behalf of the Senator from West Virginia, and as one of the cosponsors, I ask unanimous consent to have the resolution remain at the desk through Monday, January 23, 1961, in order that additional time be afforded Senators who may desire to join as cosponsors.

The PRESIDENT pro tempore. Without objection, the concurrent resolution will lie on the desk as requested.

PRINTING OF REPORT ON PLAN OF DEVELOPMENT FOR PROPOSED CRATER-LONG LAKES DIVISION, SNETTISHMAN PROJECT, ALASKA

Mr. CHAVEZ. Mr. President, I present a letter from the Acting Secretary of the Interior, transmitting report on a plan of development for the proposed Crater-Long Lakes Division, Snettishman project, Alaska, pursuant to the provisions of the act of August 9, 1955 (69 Stat. 618) (with accompanying papers).

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

PRINTING OF REVIEW OF REPORT ON SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA (S. DOC. NO. 6)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated September 29, 1960, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of report on Savannah River, Georgia and South Carolina, requested by a resolution of the Committee on Public Works, U.S. Senate, adopted July 16, 1958.

I ask unanimous consent that the report be printed as a Senate document, with illustrations, and referred to the Committee on Public Works.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

PROPOSED AMENDMENT TO FAIR LABOR STANDARDS ACT—AUTHORITY TO REVISE BILL

Mr. DIRKSEN. Mr. President, earlier in the week I introduced a bill to amend the Fair Labor Standards Act. Through sheer inadvertence I presented the wrong copy of the bill we drafted. The bill was minus one rather important provision.

I should like to preserve the number and also the sponsorship, so I ask unanimous consent that the new bill be substituted for the old bill and printed as such under the same number and with the same sponsors.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

NOMINATION OF PHILIP G. LEWIS TO BE POSTMASTER OF RUMFORD, MAINE

Mrs. SMITH of Maine. Mr. President, I want to record my condemnation of the very, very shabby and unfair treatment given to Philip G. Lewis, the acting postmaster of Rumford, Maine.

Mr. Lewis has been nominated for appointment as permanent postmaster three times in three successive years—in February 1959; in January 1960; and on January 10, 1961. Yet, his confirmation by the Senate has now been blocked for 2 years—without any reason given and without any challenge having been made to either his qualifications or his moral character.

I have promptly supported his nomination each time it has been sent to the Senate, by immediately sending my card of approval to the Senate Committee on Post Office and Civil Service—although I had no part in the selection of Mr. Lewis for nomination for the position of permanent postmaster.

That original selection was made by Hon. Robert Hale, in 1958, when he was the Representative from the First Congressional District. The selection was made on the most valid basis that Mr. Lewis was a career postal employee, whose service started in 1936, and whose service had been both honorable and efficient.

I have made repeated, but unsuccessful, attempts to get the Senate Committee on Post Office and Civil Service either to report the Lewis nomination for action by the full Senate or to have hearings on the Lewis nomination, so that any objections to him could be brought out into the open and in all fairness Mr. Lewis and his supporters be given a chance to answer such objections.

Mr. President, at this point in my remarks, I wish to place in the RECORD copies of letters of August 10, 1959, and August 26, 1960, which I sent to the chairman of the Senate Committee on Post Office and Civil Service. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 10, 1959.

Hon. OLIN D. JOHNSTON,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: As you will recall, I have spoken to you several times about the Maine postmaster nominations pending before your committee and have repeatedly urged favorable action on them by the committee.

I am disturbed that there remain 11 Maine postmaster nominations before the committee unacted upon as this session approaches a close. If these nominations are not acted

upon before the end of the session, they will die and have to be resubmitted by the President next year.

Knowing that it is the policy and procedure of the committee to require clearance or "no objection" from both of the two Maine Senators on each of these nominations, I have tried to cooperate completely with the committee by responding immediately when receiving the nomination cards from the committee.

In that connection my records show that on February 24, 1959, or nearly 6 months ago, I formally notified the committee of my approval of the following Maine postmaster nominations, which, as yet, have not been acted upon by the committee:

Eugene P. Duran, East Corinth, Maine; William A. Frizzle, Ocean Park, Maine; Mina C. Kent, Beals, Maine; Edward L. Larrabee, Bath, Maine; Philip G. Lewis, Rumford, Maine; and Florence P. Pendleton, Islesboro, Maine.

My records further show that on April 6, 1959, or over 4 months ago, I formally notified the committee of my approval of the nomination of Philip E. Plante to be postmaster at Machias, Maine, but that the committee has not yet acted on this nomination.

My records further show that within 2 days after the following nominations were received by the Senate, I formally notified the committee on July 8, 1959, my approval of: Joseph H. Albert, Lewiston, Maine; Lee E. Cox, Brooks, Maine; and Pauline L. Sawyer, Cambridge, Maine.

Finally, my records show that on July 24, 1959 (within 3 days after the nomination was submitted), I formally notified the committee of my approval of the nomination of Louis W. Borden to be postmaster at Orrington, Maine.

I am sure that the committee must have good reasons for not having acted on these Maine postmaster nominations, but I do believe that in all fairness to these nominees that if there is any opposition registered against any or all of them, that hearings should be held without delay so as to vote these nominations up or down before the end of the session rather than killing them by nonaction.

In closing, may I in all friendliness point out to you that in the years of 1949 through 1952, although all Maine postmaster nominations were made by a Democratic President and the nominees were Democrats, I recognized the political prerogative of the President and the Democrats to control the postmaster selections. Consequently, even though as a Republican I had no voice in those selections, I did not take advantage of my senatorial position to block in any manner committee approval of those 1949–52 Democratic nominations. I refused to resort to partisan political obstructionism.

By the same token, I trust and hope that partisan political obstructionism on the part of Democrats will not block your committee's approval of these Republican nominees before the end of the session.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

U.S. SENATE,
Washington, D.C., August 26, 1960.

Hon. OLIN D. JOHNSTON,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: As you will recall, I have spoken to you several times about the Maine postmaster nominations pending before your committee and have repeatedly urged favorable action on them by the committee.

I am disturbed that there remain five Maine postmaster nominations before the committee unacted upon as this session approaches a close. If these nominations are not acted upon before the end of the session, they will die and have to be resubmitted by the President next year.

Knowing that it is the policy and procedure of the committee to require clearance or no objection from both of the two Maine Senators on each of these nominations, I have tried to cooperate completely with the committee by responding immediately when receiving the nomination cards from the committee.

In that connection, my records show that on January 22, 1960, or nearly 7 months ago, I formally notified the committee of my approval of the following Maine postmaster nominations, which, as yet, have not been acted upon by the committee: Philip G. Lewis, Rumford, Maine; Karl T. Spruce, Bradley, Maine.

My records further show that on February 6, 1960, or over 5 months ago, I formally notified the committee of my approval of the nomination of Gordon L. Stitham, to be postmaster at Mars Hall, Maine, but that the committee has not yet acted on this nomination.

My records further show that within 1 day after the following nominations were received by the Senate, I formally notified the committee on August 25, 1960, my approval of Wallace Campbell, Fort Fairfield, Maine; Marion P. Davis, Hebron, Maine.

I am sure that the committee must have good reasons for not having acted on these Maine postmaster nominations, but I do believe that in all fairness to these nominees that if there is any opposition registered against any or all of them, that hearings should be held without delay so as to vote these nominations up or down before the end of the session rather than killing them by nonaction.

In closing, may I in all friendliness point out to you that in the years of 1949 through 1952, although all Maine postmaster nominations were made by a Democratic President and the nominees were Democrats, I recognized the political prerogative of the President and the Democrats to control the postmaster selections. Consequently, even though as a Republican I had no voice in those selections, I did not take advantage of my senatorial position to block in any manner committee approval of those 1949–52 Democratic nominations. I refused to resort to partisan political obstructionism.

By the same token, I trust and hope that partisan political obstructionism on the part of Democrats will not block your committee's approval of these Republican nominees before the end of the session.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

Mrs. SMITH of Maine. Mr. President, I wish to call specific attention to the final two paragraphs of each letter, in which I stated:

In closing, may I in all friendliness point out to you that in the years of 1949 through 1952, although all Maine postmaster nominations were made by a Democratic President and the nominees were Democrats, I recognized the political prerogative of the President and the Democrats to control the postmaster selections. Consequently, even though as a Republican I had no voice in those selections, I did not take advantage of my senatorial position to block in any manner approval of those 1949–52 Democratic nominations. I refused to resort to partisan political obstructionism.

By the same token, I trust and hope that partisan political obstructionism on the part of Democrats will not block your committee's approval of these Republican nominees before the end of the session.

I wish to make it clear that I do not believe that the chairman of the Senate Post Office and Civil Service Committee was the person blocking and holding up committee approval of the Lewis nomination. To the contrary, I have always found him most understanding, fair, and sympathetic.

All of us in this body are aware of the operating policy of the Senate Post Office and Civil Service Committee to refrain from taking any action on postmaster appointments until both of the two Senators from the State of the nominee register with the committee either approval or no objection to a nomination.

It is crystal clear that Mr. Lewis has been deprived of appointment as permanent postmaster at Rumford, Maine, either by the objection of the junior Senator from Maine to him or by the refusal of the junior Senator from Maine to send the committee a clearance card on Mr. Lewis.

In view of the fact that Mr. Lewis is a career postal employee, with 25 years of honorable and efficient service, and is well respected in his community, and in the absence of any charges against him, I can only conclude that his confirmation was blocked solely by sheer partisan politics.

This, I say, is a disservice to an honorable and efficient postal career man. I am proud to say that I have never opposed a postal nomination made by a Democratic President.

THE 3-MINUTE RULE IN THE SENATE

Mr. DIRKSEN. Mr. President, the staff of the Senate Republican policy committee has prepared a strictly factual survey dealing with the so-called 3-minute rule as it relates to the transaction of routine business during the morning hour under rule VII of the Senate rules.

I ask unanimous consent that this study, which is up to date and which may be of value to all Senators, regardless of party, be inserted in the body of the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE 3-MINUTE RULE IN THE SENATE

I. BACKGROUND

Rule VII of the Senate Rules provides as follows:

"1. After the Journal is read, the Presiding Officer shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for, in the following order:

"The presentation of petitions and memorials.

"Reports of standing and select committees.

"The introduction of bills and joint resolutions.

"Concurrent and other resolutions.

"All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given.

"2. Senators having petitions, memorials, pension bills, or bills for the payment of private claims to present after the morning

hour may deliver them to the Secretary of the Senate, indorsing upon them their names and the reference or disposition to be made thereof, and said petitions, memorials, and bills shall, with the approval of the Presiding Officer, be entered on the Journal with the names of the Senators presenting them as having been read twice and referred to the appropriate committees, and the Secretary of the Senate shall furnish a transcript of such entries to the official reporter of debates for publication in the RECORD.

"It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

"3. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given, the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up: Provided however, That on Mondays the calendar shall be called under rule VIII, and during the morning hour no motion shall be entertained to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar except the motion to continue the consideration of a bill, resolution, report of a committee, or other subject against objection as provided in rule VIII.

"4. Every petition or memorial shall be referred, without putting the question, unless objection to such reference is made; in which case all motions for the reception or reference of such petition, memorial, or other paper shall be put in the order in which the same shall be made, and shall not be open to amendment, except to add instructions.

"5. Every petition or memorial shall be signed by the petitioner or memorialist and have indorsed thereon a brief statement of its contents, and shall be presented and referred without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

"6. Only a brief statement of the contents, as provided for in rule VII, paragraph 5, of such communications as are presented under the order of business 'Presentation of petitions and memorials' shall be printed in the CONGRESSIONAL RECORD; and no other portion of such communications shall be inserted in the RECORD unless specifically so ordered by vote of the Senate, as provided for in rule XXIX, paragraph 1; except that communications from the legislatures or conventions, lawfully called, of the respective States, territories, and insular possessions shall be printed in full in the RECORD whenever presented, and the original copies of such communications shall be retained in the files of the Secretary of the Senate.

"7. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

On the subject of debate during morning business, the following is quoted from "Senate Procedure" (at pp. 272–273):

"Debate, speeches, addresses, or remarks are not in order at the beginning of a new legislative day, prior to the conclusion or during the consideration of morning business upon a demand for the regular order, except by unanimous consent; nor is debate on a report during this period in order, except by unanimous consent.

"It is not in order during the introduction of bills and joint resolutions to read a speech into the RECORD over an objection.

"A discussion by a Senator of a bill which he desires to introduce is not in order upon objection being made.

"During the transaction of morning business a speech by a Senator is not in order unless on a question of personal privilege.

"In 1914, the Chair ruled that remarks of a Senator, prior to the conclusion of morning business, are not in order unless there is some question pending before the Senate."

In the same book of precedents and procedures entitled "Senate Procedure" by the Senate Parliamentarian and Assistant Parliamentarian, Messrs. Watkins and Riddick, respectively, reference is made at page 368 to a statement by the Chair on morning business, appearing in the CONGRESSIONAL RECORD, volume 95, part 1, page 481, as follows:

"In order that the routine business of the morning hour may be accomplished with dispatch and promptness, a certain order has been laid down in the rules for the transaction of such business. The first order of business is the presentation of petitions and memorials; next come reports of committees; then the introduction of bills and joint resolutions, followed by the submission of concurrent and other resolutions.

"Ordinarily it does not take very long to go through the morning business. Because of the fact that many Senators come to the Chamber for the purpose of presenting petitions and memorials, submitting reports, or introducing bills and joint resolutions, or other resolutions, the rules provide that there shall be no debate and no speeches on any subject during the consideration of morning business. Of course, after the morning business is concluded, so long as there remains a part of the morning hour, debate is permissible. The Chair is sure that all Senators will realize that it is not quite fair to Senators who have come to the Chamber in order to take part in the transaction of morning business to be required to wait until speeches are made, either on a subject which may be before the Senate or on any other subject.

"Therefore, the Chair desires to announce that, without any Senator making a point of order to that effect, the Chair expects to enforce the rule against the making of speeches of any kind by any Senator during transaction of morning business, in order that the routine business of the Senate may be promptly dispatched.

"In 1921, the Chair ruled that the reference of a resolution coming over from a previous day was not debatable until the conclusion of the morning business.

"A Senator who is recognized during the transaction of morning business and presents a proposed unanimous-consent agreement for a final vote on a bill cannot hold the floor upon objection being made to such request."

Again, quoting from "Senate Procedure" (at pp. 368–370):

"'Morning business,' as defined by the Chair, is certain routine business prescribed by the rules that may be transacted during the first 2 hours of the meeting of the Senate, but may be closed before then when so announced by the Chair.

"The procedure for and nature of morning business is set forth in paragraph 1, of rule VII, and that order of morning business, which must be transacted each new legislative day after the Journal is read, cannot be dispensed with except by unanimous consent, and within that hour during the consideration of morning business, a Senator can make an address only by unanimous consent.

"When the Senate convenes following a recess, morning business is in order only by unanimous consent or pursuant to an order of the Senate agreed to by unanimous consent.

"Until the morning business is concluded, which includes laying before the Senate resolutions going over under the rule, or until 1 hour has elapsed, a motion to proceed to the consideration of any bill on the calendar is not in order.

"When morning business has been concluded, even prior to the hour of 1 o'clock, under paragraph 3 of rule VII, a motion to proceed to the consideration of a specific bill or resolution on the calendar out of its regular order (except on Mondays when the call is under rule VIII) is in order.

"It was held on one occasion that during a call of the calendar under rule VIII, a motion to proceed to the consideration of a bill notwithstanding an objection, was not in order prior to the hour of 1 o'clock.

"In one instance it was decided that morning business should be resumed following a recess taken under that order of business from 12:45 to 12:55 p.m.

"A motion prior to the conclusion of morning business to make a bill a special order is not in order; it requires unanimous consent.

"If morning business has not been concluded by 1 o'clock, a motion to proceed to the consideration of a matter after that hour is in order, despite the fact that morning business has not been completed.

"The rule being in the alternative, such a motion is in order after the close of morning business, although the hour of 1 o'clock has not arrived.

"A motion to proceed to the consideration of a resolution, or a motion to print a matter as a document upon objection is not in order during the presentation of petitions and memorials.

"Unanimous consent is required for the introduction of a Senate resolution or the presentation of a committee report after the conclusion of morning business.

"When the morning hour is consumed by the consideration of an order designating the membership of the standing committees of the Senate, morning business may be presented thereafter only by unanimous consent.

"Under a unanimous consent agreement restricting the business of the Senate to consideration of certain specified matters, and excluding other business not unanimously recognized as urgent, it was held that following an adjournment, morning business could be transacted by unanimous consent only."

"Senate Procedure" states further that:

"The Senate has a practice of transacting morning business following a recess of the Senate (in the same legislative day) under unanimous consent agreement to transact such business under a speech limitation for each item submitted. A single objection would block such procedure" (p. 371).

"The Senate, by unanimous consent, which would waive the morning hour, may transact any business during the morning hour and according to such procedure as it desires. * * *

"It is in order, during the morning hour after the conclusion of the morning business, to move to proceed to the consideration of a bill which has been made the unfinished business, and the consideration of bills during the morning hour has no effect on the unfinished business" (p 376).

II. HISTORY

From the foregoing, it would appear that there is no Senate rule providing for speeches or debate in the Senate during the morning hour as defined in rule VII. In 1949 the Chair (Vice President Barkley presiding) ruled that, when the Senate operates under

rule VII, speeches are not in order. (CONGRESSIONAL RECORD, vol. 95, pt. 1, p. 1329.)

The so-called 3-minute rule, as it has been observed in recent times in the Senate, appears to be a practice which the Senate has adopted from day to day. Without a unanimous-consent agreement with respect to it, the rules prevent the practice.

An examination of the daily RECORD discloses that the practice did not obtain at all prior to the 83d Congress. Until that time and during the first days of the first session of the 83d Congress, whenever a Senator desired to speak during the morning hour, he was first required to obtain unanimous consent for that purpose. For example, on February 27, 1953, Senator COOPER sought and obtained unanimous consent to address the Senate for a short time upon a bill which he was introducing. After he had proceeded for some time on this subject and he had yielded to another Senator, Senator Taft made the point of order that, since the Senator from Kentucky had obtained unanimous consent to make a few remarks only, his remarks should be completed and the Senate should proceed with the regular business. Thereafter, by unanimous consent, the Senator from Kentucky was permitted to continue for 2 additional minutes. (CONGRESSIONAL RECORD, vol. 99, pt. 2, pp. 1462, 1465.)

Thereafter, on the same day Senator Taft made the observation that "speeches during the morning hour should be confined to 2 minutes with reference to some bill which is being introduced or on some matter that is related to the business of the morning hour." (CONGRESSIONAL RECORD, vol. 99, pt. 2, p. 1466.)

On March 23, 1953, Senator Taft, addressing himself to a unanimous-consent request by another Senator (that he proceed for not to exceed four minutes,) announced that he would make no objection to such requests when limited to not more than two minutes but that he would object for a request to speak for a longer time during the morning hour. He expressed the hope that the Parliamentarian would keep time and that the Presiding Officer would enforce the terms of such a unanimous consent request. The Vice President then stated that "in the light of the understanding with the Majority Leader, in the future unanimous-consent requests to speak during the morning hour will be limited to 2 minutes and the Parliamentarian will keep time." (CONGRESSIONAL RECORD, vol. 99, pt. 2, p. 2182.)

On March 25, 1953, Senator Taft, in his capacity as majority leader, sought and obtained unanimous consent for Senators to place matters in the RECORD, "with the usual limitation of 2 minutes on speeches." (CONGRESSIONAL RECORD, vol. 99, pt. 2, p. 2265.) This appears to be the first time that such a blanket unanimous-consent request was made in accordance with a practice which has more or less continued to the present time.

The time limitation on speeches during the morning hour has generally varied between 2 minutes and 5 minutes. During the 83d Congress, when the Republicans had control of the Senate, the limitation appeared to have uniformly been kept at 2 minutes. This 2-minute limitation was followed during the 84th Congress when the Democrats were in control of the Senate. But thereafter on occasion the limitation was varied. Thus, on February 18, 1957, Majority Leader JOHNSON sought and obtained unanimous consent to a speech limitation of 3 minutes. (CONGRESSIONAL RECORD, vol. 103, pt. 2, p. 2091.)

On June 17, 1957, Senator JOHNSON sought and obtained unanimous consent to a 5-minute limitation. (CONGRESSIONAL RECORD, vol. 103, pt. 7, pp. 9309–9310.)

Recent practice has been to confine the unanimous-consent limitation to a 3-minute period for speeches during the morning hour.

The limitation itself has been applied to each of several items in cases where a Senator is addressing the Senate on more than one item. It has not been construed prior to this session of the Senate to apply to all of the items to which a Senator wishes to address himself, whether the limitation has been 2 minutes, 3 minutes, or 5 minutes. The Chair has so ruled since 1953. (CONGRESSIONAL RECORD, vol. 99, pt. 3, p. 3104; vol. 103, pt. 5, p. 6513; vol. 104, pt. 4, p. 4729.)

However, on January 5, 1961, Minority Leader DIRKSEN observed that, since the so-called 3-minute time limitation was not a rule of the Senate but rather "an understanding of accommodation," there should be a clear limit of 3 minutes on each Senator regardless of the number of items he had to dispose of, and he requested that such a time limit be strictly enforced. Majority Leader MANSFIELD concurred. (CONGRESSIONAL RECORD, pp. 130–131.)

On January 10, 1961, Minority Leader DIRKSEN made reference to the foregoing colloquy, and stated it had been agreed that the 3-minute rule should apply to individual Senators, and that no matter how much subject matter a Senator might have to submit in the morning hour, the 3-minute rule should be imposed.

Senator RUSSELL then observed that, while the 3-minute limitation was highly desirable, this agreement should not completely exclude a Senator from rising twice during the morning hour and that "after other Senators have had their opportunity during the morning hour, a Senator who previously has been recognized should be permitted to rise again and obtain permission, if the hour of 2 o'clock has not been reached, in order to introduce a bill or submit any other matter he may wish to submit in the morning hour." (CONGRESSIONAL RECORD, p. 464.)

When a Senator has exceeded the time limit provided under the unanimous consent agreement, a demand for the regular order will require the Chair to enforce the provisions of the agreement. (CONGRESSIONAL RECORD, vol. 103, pt. 7, pp. 9309–9310.)

On January 17, 1959, Senator STYLES BRIDGES, of New Hampshire, criticized the practice of permitting Senators to hold the floor for more than 3 minutes under a unanimous consent agreement limiting statements of Senators to 3 minutes during the morning hour. (CONGRESSIONAL RECORD, vol. 105, pt. 1, p. 798.)

SEGREGATIONIST DISORDERS AT THE UNIVERSITY OF GEORGIA—SOCIAL DISCRIMINATION IN SCARSDALE, N.Y.

Mr. JAVITS. Mr. President, all Americans should be properly alarmed by the affront to the dignity of the Nation, and to the respect for law and the Federal courts shown by the disorders at the University of Georgia. These incidents have for the moment resulted in flouting Federal court orders which require the university, a creature of the State, to accept two Negro students in compliance with the constitutional mandate against the unequal application of the laws by virtue of race and color. I believe that this is a clear example of why this problem is not a local problem. The courts of the United States are involved, the Constitution of the United States is involved, and the prestige of the United States abroad, so much talked about during the campaign, is involved. Hundreds of millions in the world whose skins are yellow or black are reading about this situation. I am sure the Communists will see that they are fully briefed with the usual addition of falsehoods and exaggerations.

In the face of such a national situation, it is a sad commentary that only this week, by our action on the Senate rules, we have seriously jeopardized our own ability for passing civil rights legislation in this session. Yet the Congress must back the courts on this question of discrimination in education opportunity. The full majesty of our Government must be brought into play to make it clear to those who have breached the public order that the Nation will not tolerate it. Such measures as added authority to the Attorney General in these cases and technical and financial aid to educational systems subject to them are essential.

In this same connection, we in other parts of the country cannot be complacent, either. The front page of the New York Times today carries a story about the barring of a youth from a country club in the fashionable suburb of Scarsdale, N.Y., because he was born Jewish. All credit must go to the Rev. George F. Kempsell, Jr., of the Church of St. James the Less of Scarsdale, N.Y., for his magnificent stand on human rights. I have been the first to say that law is essential to prevent constitutional deprivations of opportunity, but cannot be expected to reach social discrimination. Yet social discrimination is equally reprehensible in terms of the morals and spirit of the country, and must be equally condemned even if it cannot be effectively reached by law. The moral climate of the country set here in the Congress has a great deal to do with the elimination of social discrimination, too. Every American is entitled to be a citizen of the first class under the Constitution, according to our laws. This is the promise of our country.

SUPREME COURT DECISION ON DIXON-YATES CONTRACT

Mr. MORSE. Mr. President, as a supplement to my remarks of January 9 concerning the decision of the U.S. Supreme Court on the Dixon-Yates contract, I invite to the attention of my colleagues an excellent item appearing in the New York Times of January 10 entitled "High Court Denies Dixon-Yates Plea." It contains these very significant paragraphs:

> All during 1954 and early 1955 the Democrats in Congress attacked the project as bringing high-cost private power into a public power system. Then, in 1955, the city of Memphis decided to build its own power plant, reducing the demands on TVA.
>
> On July 11, 1955, President Eisenhower ordered the Dixon-Yates contract terminated.
>
> By that time a Senate investigation headed by Senator ESTES KEFAUVER, Democrat, of Tennessee, had brought Mr. Wenzell's role to public attention. The AEC, after considering that problem, told Dixon-Yates that it considered the contract unenforceable and would pay them nothing.

The reference to the fine work of the Senator from Tennessee [Mr. KEFAUVER] on this case should serve as a reminder of the outstanding public service performed by the senior Senator from Tennessee and by other Senators in this

body who had the courage to stand up and fight this unconscionable deal. Their efforts caused the administration to run for cover, and the recent Supreme Court decision represents the culmination of their fine dedicated work in the public interest.

Mr. President, I ask unanimous consent that the New York Times article be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH COURT DENIES DIXON-YATES PLEA—6–3 RULING HOLDS UNITED STATES NEED NOT PAY $1.8 MILLION FOR ENDING POWER CONTRACT

(By Anthony Lewis)

WASHINGTON, January 9.—The Supreme Court struck down today a $1,867,545 award to the Dixon-Yates power group for the cancellation of its contract with the Government.

The Court held the contract unenforcible because of illegality in the negotiations. It said Adolphe H. Wenzell had violated the conflict-of-interest laws by acting both for the Government and for the private interests involved.

The vote was 6 to 3.

Chief Justice Earl Warren wrote the 44-page majority opinion. Joining him were Justices Hugo L. Black, Felix Frankfurter, William O. Douglas, Tom C. Clark, and William J. Brennan, Jr.

A dissent by Justice John Marshall Harlan was joined in by Justices Charles E. Whittaker and Potter Stewart.

The decision writes an epilog to one of the great political issues of the Eisenhower administration.

President Eisenhower and his aids stanchly defended the Dixon-Yates contract against powerful Democratic assaults until it was abandoned. Then administration lawyers turned on the contract and termed it legally worthless. They won their point today.

The power group was formed by Middle South Utilities, Inc., headed by Edgar H. Dixon, and the Southern Co. headed by the late Eugene A. Yates. Its formal name was Mississippi Valley Generating Co.

Dixon-Yates was to build a $107 million plant in West Memphis, Ark., to supply electric power to the Tennessee Valley Authority. The TVA, in turn, was to release an equivalent amount of power to the Atomic Energy Commission.

AIMING AT TVAC

The Eisenhower administration's purpose in arranging the contract was to stop expansion of the TVA. The authority had proposed a new steamplant at Fulton, Mo., to take care of growing demands from both the AEC and municipal customers.

The idea was originally put forward at the end of 1953 by Joseph M. Dodge, then Director of the Budget Bureau. After lengthy negotiations a contract was signed by Dixon-Yates and the AEC, the contracting agency for the Government, on November 11, 1954.

All during 1954 and early 1955 the Democrats in Congress attacked the project as bringing high-cost private power into a public power system. Then, in 1955, the city of Memphis decided to build its own power plant, reducing the demands on TVA. On July 11, 1955, President Eisenhower ordered the Dixon-Yates contract terminated.

By that time a Senate investigation headed by Senator ESTES KEFAUVER, Democrat of Tennessee, had brought Mr. Wenzell's role to public attention. The AEC, after considering that problem, told Dixon-Yates that it considered the contract unenforceable and would pay them nothing.

Dixon-Yates sued in the Court of Claims, demanding $3,500,000 for its costs in starting work on the contract and for damages. The Court of Claims awarded the company $1,867,545.56, rejecting the Government's legal defenses.

The issues canvassed in Chief Justice Warren's opinion today were whether Mr. Wenzell's conduct had violated an 1863 conflict-of-interest statute and, if so, whether that made the contract unenforceable.

The 1863 statute is a criminal law, providing a maximum of 2 years in prison and a $2,000 fine for anyone who acts as an agent for the Government in any dealings with a business in whose profits he is "directly or indirectly interested."

Mr. Wenzell was a vice president of the First Boston Corp., a New York investment house. He came to Washington at the Budget Bureau's request as an unpaid consultant on the Dixon-Yates affair.

COURT'S REASONING

The first question before the Supreme Court was whether Mr. Wenzell met the statutory test of being an "agent" of the Government in the negotiations. The Court found that he did. The dissent agreed.

The second question was whether Mr. Wenzell had been directly or indirectly interested in the profits to be made by the private power group and thus met the other half of the statute's definition of a conflict of interest.

There were numerous instances, Chief Justice Warren said, when "Wenzell seemed to be more preoccupied with advancing the position of First Boston or the sponsors (Dixon-Yates) than with representing the best interests of the Government."

At another point the opinion remarked that "Wenzell's primary allegiance was to First Boston" and his loyalty to the Government "fleeting."

The Chief Justice said it was irrelevant that Budget Bureau officials had known of Mr. Wenzell's dual role—a fact relied on by the Court of Claims. The opinion said these officials could not exempt him from the statute. The Chief Justice gave no weight to the fact that First Boston eventually agreed to handle the Dixon-Yates financing without fee.

Finally, the majority opinion said that, although the statute was phrased only in criminal terms, its policy strongly suggested that contracts made in violation of the law should not be enforced.

Justice Harlan differed only with the majority conclusion that Mr. Wenzell had been sufficiently "interested" in private profits from the contract to come within the statute. He said the possibility that Mr. Wenzell might eventually profit from the deal was wholly speculative at the time of his work for the Government.

Solicitor General J. Lee Rankin argued the case for the Government. Dixon-Yates was represented by John T. Cahill and William C. Chanler of New York.

DIXON IN EUROPE

Mr. DIXON's office here reported he was in Europe and therefore unavailable for comment.

THE CONNALLY AMENDMENT

Mr. MORSE. Mr. President, there appeared in the summer issue of the Southern California Law Review an article by Mr. Carl Q. Christol entitled "The Jurisdiction of the International Court of Justice."

In it, Mr. Christol reviews the effects of the so-called Connally amendment upon the jurisdiction operation of the International Court. I ask unanimous consent that it be reprinted at the conclusion of these remarks.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, in particular I wish to invite attention to the conclusion and the paragraphs preceding it in which the writer states:

The United States, with its tremendous, and ever growing, private investments abroad, is both actually and potentially a claimant nation. Thus, America's practical, as well as its ideological interests, seem to lie in the direction of the widest possible access to the Court. So long as the American declaration accords reciprocal rights to other states to use our reservations, including the self-judging amendment, it is clear that the United States will find it difficult to receive a hearing in the Court.

In my opinion, this article is one more worthwhile and accurate argument bearing out the need for the repeal of the so-called Connally amendment.

EXHIBIT 1

THE JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE [1]

(By Carl Q. Christol [2])

The International Court of Justice was constructed upon the foundation of the Permanent Court of International Justice. The latter during its existence had been favored with a well conceived statute, with a systematic set of rules, and between 1922 and 1946 had decided 32 cases, and had rendered 26 advisory opinions. Continuity with the experience of the past was accepted as an important value when the revision of the statute was considered by delegates representing 44 States at the Washington Committee of Jurists Conference, Washington, D.C., April 9–20, 1945, and by Commission IV on Judicial Organization at the San Francisco Conference, June 1945.

The statute of the present Court was brought into force as a part of the United Nations Organization, when on October 24, 1945, the Court officially became the principal judicial organ of the United Nations. The new Court was inaugurated at the Hague on April 18, 1946, when the first judges took oaths of office by making solemn declarations to exercise their powers impartially and conscientiously.

I. THE COURT AND PROBLEMS OF JURISDICTION

Probably the most important, and certainly the most discussed, provision of the statute of the Court is article 36, which deals with the jurisdiction of the Court. Although the present language of article 36 is almost identical with that contained in the jurisdictional article of the former Court, this result was reached only after serious inquiry. Despite the pleas of a majority of the states present at San Francisco for a broader jurisdiction than had previously existed, the United States and the Soviet Union joined hands to prevent the Court from receiving automatic or compulsory jurisdiction over international legal disputes. The principle of voluntary jurisdiction was written into article 36, although it was provided that member states might accede to compulsory jurisdiction at their discretion.

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[1] This paper was delivered before the Pacific Southwest Regional Conference on International Law held at the School of Law, University of Southern California, in cooperation with the American Society of International Law, March 4–5, 1960.

[2] Ph. D., 1941, University of Chicago; LL.B., 1947, Yale University. Professor of International Law and Political Science and chairman of the Political Science Department, University of Southern California.

It should be noted that such automatic or compulsory jurisdiction, if provided for, would have prevented a state from unilaterally divesting the Court of jurisdiction in legal disputes in which the particular state was involved. However, and this is frequently overlooked, even if compulsory jurisdiction had been written into article 36, such provision would have been subject to a very important limitation, namely, article 2(7) of the United Nations Charter. This article provides that the Charter "does not authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter."

It will be seen that article 36(1) permits the Court to resolve all cases referred to it by the parties. Assuming consent by the parties, the jurisdiction of the Court may be extremely broad. On the other hand, article 36(2) specifies four distinct areas of jurisdiction, all of which the signatories accepted in a single package as being suitable subjects for compulsory jurisdiction. Article 36(3) permits accession to the compulsory jurisdiction of the Court on a basis of reciprocity. Article 36(6) is of special interest to the United States because of the apparent conflict between this provision and the American declaration of acceptance of the Court's compulsory jurisdiction.[3]

On July 24, 1946, the Senate Committee on Foreign Relations unanimously reported Senate Resolution 196,[4] the "World Court Compulsory Jurisdiction Resolution," for favorable Senate action. The original resolution excluded the court from jurisdiction on "disputes with regard to matters which are essentially within the domestic jurisdiction of the United States." During the hearings Senator Warren R. Austin had suggested that proviso "b" be amended to read "disputes which are held by the United States to be with regard to matters which are essentially within the domestic jurisdiction of the United States."[5] After testimony that such an amendment would be "an extremely retrogressive step and would be taking away with one hand what we purport to be giving with the other,"[6] the subcommittee presented the resolution in its original form.

However, on the floor of the Senate, the foregoing proviso "b" was amended by Senator Connally by the addition of the clause "as determined by the United States." During the discussion of the amendment it was assumed that the United States would be a consistent defendant and only an occasional plaintiff. After a brief debate which took place at the close of a tiring session in August and in a manner which in retrospect appears to have been almost casual, the Senate adopted the amendment by a vote of 51 to 12. This action has been described as representing a "basic distrust of the international legal process,"[7] and as being founded on "a vague apprehension of danger, as exhibited in this nervous quest for security from law, which it is difficult to comprehend."[8]

Was there a real need for the United States by unilateral action to avoid the Court's prerogative of determining what constitutes "domestic jurisdiction" by depriving the Court with one hand of a range of jurisdiction which the United States had simultaneously conferred upon the Court with the other? Could the Court be relied upon to distinguish for itself between matters of domestic jurisdiction, which it was prohibited from adjudicating without the consent of the parties, and international legal disputes which were within its jurisdiction? We can determine from the vantage of the present if the fears of the proponents of the Connally amendment were irrational, or whether they were based on valid insights, by examining some of the decisions of the Court.

II. COURT HOLDINGS RESPECTING ITS JURISDICTION

The conservative quality of the Court can in part be illustrated by its decisions respecting the extent of and limitations upon its own jurisdiction. Adequate evidence is available on this score, for in all but three of its contentious cases the issue of jurisdiction has been dealt with by the Court. In 10 contentious cases the Court held that it possessed jurisdiction, while in 12 such cases (the Monetary Gold Removal Case, being counted in each total) the Court declined to exercise jurisdiction. The reasons advanced by the Court in each instance appear to be entirely reasonable and justifiable, although in some instances the holding could have gone the other way without evoking justifiable criticism.

In the cases described herein the Court reasoned that it had jurisdiction. In the Channel Islands or Minquiers and Echeros case,[9] the Court had jurisdiction since the case was submitted under an ad hoc agreement between the parties. The Case Concerning Sovereignty Over Certain Frontier Lands,[10] also reached the Court under an ad hoc agreement. The Case of the Monetary Gold Removed From Rome[11] originally reached the Court on this basis, though Italy was later permitted to oust the Court of jurisdiction. In the Ambatielos case,[12] the Court was required to construe treaty terms to determine if it had jurisdiction. In the Haya de la Torre case,[13] the Court granted Cuba the right to intervene. The Swedish Guardianship case[14] reached the Court under a special agreement whereby Sweden and the Netherlands conferred upon the Court jurisdiction in a matter which normally would have fallen within the municipal jurisdiction of one of the states. The Court held in the Nottebohm case,[15] that it retained jurisdiction in a case when it possessed jurisdiction at the time the complaint was filed. The case was properly heard even after the expiration of the declaration conferring compulsory jurisdiction on the Court. In the Indian Passage case,[16] the Court held that it possessed jurisdiction as soon as an application had been filed, even though the case was brought before the defendant had knowledge that the plaintiff had accepted the compulsory jurisdiction of the Court.

The Court also held that a case could be brought even though diplomatic remedies had not been exhausted, although in this case the Court decided that such remedies had been exhausted prior to the institution of the suit. And in the Anglo-Iranian case,[17] the Court granted interim relief pending a decision as to whether or not there was probable jurisdiction on the merits. Since this relief was granted against the opposition of a sovereign state it is the broadest view

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[3] Article 36 of the Court Statute includes the following provisions:

"1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

"2. The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

"a. the interpretation of a treaty;

"b. any question of international law;

"c. the existence of any fact which, if established, would constitute a breach of an international obligation;

"d. the nature or extent of the reparation to be made for the breach of an international obligation.

"3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

"4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

"5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

"6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court."

[4] "*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the deposit by the President of the United States with the Secretary General of the United Nations, whenever that official shall have been installed in office, of a declaration under paragraph 2 of Article 36 of the Statute of the International Court of Justice recognizing as compulsory ipso facto and without special agreement in relation to any other state accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes hereafter arising concerning—

a. the interpretation of a treaty;

b. any question of international law;

c. the existence of any fact which, if established, would constitute a breach of an international obligation;

d. the nature or extent of the reparation to be made for the breach of an international obligation.

Provided, That such declaration should not apply to—

a. disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or

b. disputes with regard to matters which are essentially within the domestic jurisdiction of the United States.

Provided further, That such declaration should remain in force for a period of five years and thereafter until the expiration of six months after notice may be given to terminate the declaration." Hearings on S. Res. 196 Before a Subcommittee of the Senate Foreign Relations Committee, 79th Cong., 2d Sess. 1 (1946).

[5] Id. at 36.

[6] Id. at 84.

[7] Preuss, The International Court of Justice, the Senate, and Matters of Domestic Jurisdiction, 40 Am. J. Int'l L. 720, 722 (1946).

[8] H. Lauterpacht, cited by Preuss, id. at 734.

[9] Minquiers and Echeres Case, [1953] I.C.J. Rep. 47.

[10] Case Concerning Sovereignty over Certain Frontier Land, [1959] I.C.J. Rep. 209.

[11] Case of the Monetary Gold Removed from Rome in 1943, [1954] I.C.J. Rep. 19.

[12] Ambatielos Case, Preliminary Objection, [1952] I.C.J. Rep. 28; see also Ambatielos Case, Merits, [1953] I.C.J. Rep. 10.

[13] Haya de la Torre Case, [1951] I.C.J Rep. 71.

[14] Case Concerning the Application of the Convention of 1902 Governing the Guardianship of Infants, [1958] I.C.J. Rep. 55.

[15] Nottebohm Case, Preliminary Objection, [1953] I.C.J. Rep. 111; see also Nottebohm Case, Second Phase, [1955] I.C.J. Rep. 4.

[16] Case Concerning Right of Passage over Indian Territory, Preliminary Objections, [1957] I.C.J. Rep. 125.

[17] Anglo-Iranian Oil Co. Case, Preliminary Objection, [1952] I.C.J. Rep. 93.

as yet expressed as to the jurisdictional powers of the Court.

The Corfu Channel case[18] has been referred to as one in which the court overreached itself in taking jurisdiction. The United Kingdom filed an application and Albania stated in its letter of July 2, 1947: "The Albanian Government would be within its rights in holding that the Government of the United Kingdom was not entitled to bring the case before the Court by unilateral application, without first concluding a special agreement with the Albanian Government. [I]t is prepared notwithstanding this irregularity in the action taken by the government of the United Kingdom, to appear before the Court. The Albanian Government wishes to emphasize that its acceptance of the Court's jurisdiction for this case cannot constitute a precedent for the future." Thereupon, Albania appointed its agent "in accordance with Article 35, paragraph 3, of the Rules of the Court." When the matter was heard Albania urged that despite such language of agreement it had not consented to the jurisdiction of the Court. The case stands for the proposition that once Albania conferred jurisdiction, it could not later unilaterally oust the Court of jurisdiction. On these facts it can hardly be thought that the Court acted in excess of reasonable jurisdiction or that it abused its discretion. As the Court was announcing its decision, both countries agreed in writing that the Court might determine the substantive rights of the parties, including the question of whether Albania owed damages. In upholding the British claim for damages the Court decided the exact amount due. Although the power to determine the exact amount due seems to be implicit in the reference respecting the duty to pay damages, Albania asserted that this holding went beyond the authority conferred on the Court. Consequently Albania has to this date failed to comply with the judgment.

In seven cases the Court held that it did not have jurisdiction in cases in which an application was filed against states which had not acceded to the jurisdiction of the Court. In the case of the Monetary Gold Removed from Rome,[19] the Court permitted the plaintiff to oust the Court of jurisdiction when Albania, a necessary party, refused to participate in the case. In the Norwegian Loans case,[20] the Court refused jurisdiction upholding Norway's use of France's then existing self-judging reservation.[21] In the Asylum case,[22] the Court held that it did not have jurisdiction to give an interpretation of its prior judgment when a subsequent effort was made to obtain rulings on matters not raised in the original action or resolved by the decision. It was held in the Case of the Aerial Incident Concerning Israel and Bulgaria[23] that the Court lacked jurisdiction despite Bulgaria's grant of jurisdiction to the Permanent Court of International Justice. This grant did not vest in the present Court power to hear the case since Bulgaria had not become a member of the new Court prior to the dissolution of the old Court. In the Interhandel case[24] it was held that the Court would not take jurisdiction because Switzerland had failed to exhaust its remedies in the courts of the United States. Consequently, the Court did not reach the assertion by the United States that the Court was ousted of jurisdiction by the American claim that it had reserved to itself the unilateral determination of what constituted domestic jurisdiction.

The numerous refusals by the Court to take jurisdiction should put at ease those who conceive of the Court as hungry for additional power, as not having a suitably precise form of law to interpret, or as being unable to distinguish between technical legal arguments.

III. COURT HOLDINGS RESPECTING CUSTOM AS A SOURCE OF INTERNATIONAL LAW

Custom is a traditional source of international law. A continuing problem is to prove the existence of international custom so that the Court may through its imprimatur give to custom the more formal status of a judicial decision. In providing answers respecting its jurisdiction the Court has had occasion to refer to custom as well as other sources of international law.

The Court has established exacting conditions to determine if customary law on specific subjects does in fact exist. Thus, it has insisted that custom depends on two rather formidable tests. In the first place, it is necessary to show the requisite generality of conduct upon which all custom depends. Secondly, it has been necessary for the proponents of the customary law to convince the judges fairly and by a suitable preponderance of the evidence that the custom has reached such a stage that it is illustrative of existing legal obligations. It is only when custom meets these tests that custom can help the court in resolving the extent of its jurisdiction.

This judicial attitude does not suggest that the Court is anxious to extend the range of its jurisdiction without suitable reason. Neither does it suggest that the Court is unwilling to tackle the hard job of judging whether international custom has matured to the point that it can be acknowledged as a source of law.

IV. DOMESTIC JURISDICTION AS AN ALLEGEDLY UNCERTAIN CONCEPT IN INTERNATIONAL LAW

"Domestic jurisdiction" generally refers to that area of jurisdiction of the state not bound by international law. The concept assumes that there are certain subjects with which a state must concern itself, which, although they have some relation to international matters, are so vitally connected with the needs of a nation that they must be reserved to the exclusive determination of the nation, e.g., matters of immigration, tariffs, the Panama Canal, and whatever subjects states by treaty wish to include within the concept as respects their mutual affairs. Of course, it is quite clear that there are many gradations between the extreme, on the one hand, of subjects exclusively within the control of a given state, and on the other, those subjects which are irrefutably of an international quality. Law has always been forced to cope with gradations between extremes, and has long since proceeded on the intelligent basis of deciding each case on the merits, if and when it arises.

It is well recognized that states may wish by international agreement to deal with matters, which though admittedly domestic, are clearly alined with international problems. It is also recognized that such agreements may specifically provide that if disputes arise on such matters they may be settled in an international tribunal. The Permanent Court of International Justice's Tunis and Morocco Nationality Decrees, 1923, case,[25] involved just this situation, and the Court there held that the treaty granted jurisdiction to the Court to resolve a typically local matter, namely, a problem respecting nationality.

It is extremely unlikely, in view of the Court's conservative outlook toward its jurisdiction, that it would decide matters of domestic jurisdiction unless it were clearly empowered to do so via a specific treaty. The other sources of international law would appear quite inadequate to enable the court to effect such a major tour de force. After considering these factors a committee of the section of international and comparative law of the American Bar Association recently concluded:

"In matters where the United States has been sufficiently concerned to make its view known, and has clearly and unambiguously opposed the assertion of new principles of international law applicable to matters hitherto within states' domestic jurisdiction, the risk of a finding by the International Court that this country is subject to such new principles of international law in derogation of its presently established 'domestic jurisdiction' is small indeed.[26]"

Thus, from a technical view of the law, and as a result of views expressed by the Court, it is extremely unlikely that the Court will suddenly kick over the traces and embark wildly upon an irresponsible modification of long held principles. If the Court were to be given the power by the United States to determine, by applying international law, whether a given problem was, according to international law, either domestic or international, it is next to impossible to conclude that the Court would confuse these matters.

V. FOREIGN POLICY AND THE RULE OF LAW

American participation in the Court involves more than the Connally self-judging amendment as a limitation upon the compulsory jurisdiction of the Court. It especially involves the way in which American pronouncements that we are a law abiding and a law respecting nation are received abroad. In this regard it is often heard abroad that America's position is at best ambivalent. We pay lipservice to our noble views toward law and justice, but our practice is somewhat different, and a more restrictive matter. One need hardly be reminded that abrasive conduct along such lines is not an effective selling point for democracy abroad.

Thus, one hears the view that the United States has continued the Connally amendment in order to be judge and jury in its own case in the event it wishes to avoid living up to the commitment made respecting the compulsory jurisdiction of the Court. The United States, it is said, insists on "going it alone" at a time when it is urging the virtues of international cooperation in a world community, and at a time when the onrushing demands of the social complex favor an imaginative type of leadership from one of the major democratic leaders in this world's ideological competition. The United States should not lend its prestige to a reservation which results in America's being charged with contributing to something less than full support for the rule of law in international affairs.

It is also well known that a number of distinguished international lawyers, including several members of the Court, have concluded that the amendment is illegal as being opposed to America's acceptance of Article 36(6) of the statute. It will be recalled that this section in clearcut language confers upon the Court the duty to determine

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[18] Corfu Channel Case, Preliminary Objection, [1948] I.C.J. Rep. 15; see also Corfu Channel Case Merits, [1949] I.C.J. Rep. 4.

[19] Case of Monetary Gold Removed from Rome in 1943 [1954] I.C.J. Rep. 19.

[20] Case of Certain Norwegian Loans [1957] I.C.J. Rep. 9.

[21] Subsequently France eliminated this self-judgment reservation.

[22] Asylum Case, [1950] I.C.J. Rep. 266; see Haya de la Torre case [1951] I.C.J. Rep. 71.

[23] Case Concerning the Aerial Incident of July 27, 1955, Preliminary Ojections, [1959] I.C.J. Rep. 127.

[24] Interhandel Case, Preliminary Objections, [1959] I.C.J. Rep. 6.

[25] Nationality Decrees Issued in Tunis and Morocco, P.C.I.J., ser. C, No. 2 (1923).

[26] American Bar Association Section of International and Comparative Law, Report on the Self-Judging Aspect of the United States Domestic Jurisdiction Reservation with Respect to the International Court of Justice 50–51, August 1959.

if and when a matter falls within the domestic jurisdiction of a member state. Judges Lauterpacht and Spencer, for instance, held that the amendment has rendered null and void the entire American Declaration, thereby entirely ousting the United States from access to the Court. Judges Klaestad and Armond-Ugen, on the other hand, have concluded that the amendment is only invalid so far as it attempts to confer on the United States the right to determine if a matter falls within its domestic jurisdiction, and that the balance of the American adherence to the compulsory jurisdiction of the Court is operative.

Despite the assumptions of Senator Connally to the contrary, the United States, with its tremendous, and ever growing, private investments abroad, is both actually and potentially a claimant nation. Thus, America's practical, as well as its ideological interests, seem to lie in the direction of the widest possible access to the Court. So long as the American Declaration accords reciprocal rights to other states to use our reservations, including the self-judging amendment, it is clear that the United States will find it difficult to receive a hearing in the Court.

America's vital interests require adherence to the rule of law in world affairs, and this can be achieved through an effective Court with a jurisdiction broad enough to permit it to serve as a dispute-resolving and peace-securing institution. The Court, as an institutionalized legal device, surrounded by effective safeguards, is unquestionably one of the best means, both ideologically and practically, to protect America's broad interests in the modern world.

VI. CONCLUSION

The proponents of the Connally amendment argue that if states were to vest in the Court the power to decide important issues, such conferring of jurisdiction would result both in a depletion of the state's sovereignty and would also require the Court to exercise a broad choice as between conflicting principles and rules. However, in America it is generally recognized that the judicial process requires that a choice be made between conflicting principles and rules. Indeed, for us, such a process is the very essence of the common law. It is a worldwide premise that the very essence of the judicial function is to make a reasoned choice between opposing legal claims. The choice is made subject to the "overriding primacy of the existing law." [27] As Dean Griswold, of Harvard Law School, has recently written, the judicial process "involves making law" in a sense, but it is not legislation. It is an essentially judicial process, an important function which courts have always carried out, and without which our legal system could not effectively function.[28] However, it is true that international law is somewhat less certain and detailed than municipal law and this means that the area of judicial discretion is somewhat broader and the need for qualified judges is of the first order of importance.

The history of both international courts clearly shows that when the Court is used, the rights of the states are determined not by the unilateral assertion of their opponents, but by the rule of law. The Court's work also demonstrates the existence of a consistent jurisprudence characterized by a uniform administration of law and by a tradition of fairness. The conservative attitude of the Court respecting the extent of its jurisdiction has established general confidence that disputes before it will be resolved in a legal atmosphere and upon available principles and rules of law.

When the judges have decided that the Court possesses jurisdiction in a given matter they have acted in accordance with a high sense of responsibility in order that the Court may be an effective international institution. On occasions when conflicting rules and principles have been argued the Court has referred to basic international interests and important international values in order to resolve practical problems. Thus the Court has been able to clarify and to some extent develop international law and contribute to the prospect of peace in the world community.

The very existence of the Court is of considerable value. Its growing jurisprudence will provide for international stability and security. As its standards become more definite one may anticipate that there will be a greater inclination on the part of states to seek ordered change through law rather than disorderly change through force. And if states may prefer not to go to law, the presence of the Court may serve as an added inducement to diplomacy rather than force.

There is no reasonable basis for apprehension respecting the work or the decisions of the Court. Rather, it should command our confidence and we should use it whenever we are confronted with an international legal dispute. By so using the Court and by eliminating our self-judging reservation we will enhance the contribution of the Court, serve our own interests, and give notice to the world of our fundamental dedication to the rule of law in world affairs.

ORDER OF BUSINESS

Mr. DOUGLAS. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. DOUGLAS. Do I correctly understand it is now the procedure of the Senate that a Member of this body should make only one insertion in the RECORD at a time, during the morning hour, and that after the insertion of the first piece of material he should then take his seat and wait for other Senators to proceed?

The PRESIDENT pro tempore. The Senator is correct.

Mr. HUMPHREY. Mr. President——

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

Mr. HUMPHREY. Mr. President, is it not the case that the Senator is permitted to have 3 minutes in the morning hour?

The PRESIDENT pro tempore. The Senator may have 3 minutes.

Mr. HUMPHREY. If he can make five insertions in the RECORD in 3 minutes he is entitled to do so?

The PRESIDENT pro tempore. The Senator may discuss two or three subjects in 3 minutes, but he should not use more than 3 minutes.

Mr. HUMPHREY. That was my understanding.

Mr. DOUGLAS. Mr. President, may I ask how much time the Senator from Illinois has remaining?

The PRESIDENT pro tempore. The Senator has 1 minute remaining.

UNEMPLOYMENT

Mr. DOUGLAS. Mr. President, the Department of Labor has just released the unemployment figures for December 1960, showing a total number of 4,540,000 unemployed. This is an actual uncorrected average of 6.4 percent of the working force and if seasonally corrected it amounts to 6.8 percent of the working force.

In addition, Mr. President, I have had computations made of the full-time equivalent unemployment of the involuntarily part-time workers. This comes to an additional figure of 1,171,000. If we total the two, the actual figure for all involuntary unemployment is around 8 percent. Indeed, on a combined basis, the overall figure is over 8 percent.

Mr. President, I think the conclusion is clear that the incoming Kennedy administration is inheriting a very serious recession from its predecessors. These figures moreover cover merely December 1960, and all the indications point to a further great increase in unemployment during the last month.

Date	Unemployed persons	Persons who worked part time because of economic factors			Full-time equivalent unemployment	
		Total	Usually work full time	Usually work part time	Of part-time workers	Total
1959:						
July	3,744	2,589	863	1,726	1,250	4,994
August	3,426	2,547	1,003	1,544	1,182	4,608
September	3,230	2,014	933	1,081	928	4,158
October	3,272	2,173	1,034	1,139	946	4,218
November	3,670	2,339	1,196	1,143	1,001	4,671
1960:						
July	4,017	2,789	1,120	1,669	1,280	5,297
August	3,788	2,854	1,218	1,636	1,285	5,073
September	3,388	2,549	1,319	1,230	1,036	4,424
October	3,579	2,483	1,329	1,154	1,004	4,583
November	4,031	4,741	1,434	1,307	1,126	5,157
December	4,540	2,771	1,454	1,317	1,171	5,711

I ask unanimous consent to have the above table printed in the RECORD, which brings out these facts.

There being no objection, the table was ordered to be printed in the RECORD.

The above table brings up to date the full-time equivalent unemployment tabulation through December 1960. Figure for other months are given for comparison.

[27] Lauterpacht, the Development of International Law by the International Court 399, (1958).

[28] Christian Science Monitor, Dec. 23, 1958, p. 7.

Rate of unemployment (does not include any allowance for involuntary part-time)

	Seasonally adjusted	Actual
July	5.4	5.5
August	5.9	5.3
September	5.7	4.8
October	6.4	5.0
November	6.3	5.7
December	6.8	6.4

TAX TINKERING

Mr. BRIDGES. Mr. President, I wish to call attention to an editorial in the Wall Street Journal of December 12, 1960, entitled, "Tax Tinkering."

This editorial cites the need for more reasonable depreciation allowances to help stimulate the economy and remove a longstanding inequity of our American business system.

There seems to be general agreement among tax experts in this country that our depreciation allowances are in need of an overhaul.

There is controversy, however, over whether this should be a basic overhaul, or whether such reform should be undertaken only on a selective or industry-by-industry basis.

Because the Wall Street Journal reflects the views of an important and responsible segment of the business community, I ask unanimous consent to have printed in the RECORD at this point the editorial I have referred to.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX TINKERING

The tax structure in general is inequitable, but the rules governing depreciation allowances are more inequitable than some others.

Because these regulations are antiquated and unreasonable, they impose a disproportionate cost penalty on American business. Thus they may well be a drag on the increased economic growth so many people profess to want these days. For one practical consequence, U.S. firms have been increasingly drawn to operations in Europe, where depreciation and other tax arrangements are considerably more realistic.

So there's not much question that a thoroughgoing reform of depreciation rules should be high on the priority list of the new administration and Congress. Unfortunately, there are some rather pecular ideas floating about as to how this should be done.

One such notion is that any liberalization of depreciation allowances should be selective—that is, so as to stimulate only those parts of the economy the Government wants stimulated. An advocate of this view is reported to be Prof. Walter Heller, to whom Mr. Kennedy has offered the post of chairman of the Council of Economic Advisers.

Almost everything, it seems to us, is wrong with this approach. How, for instance, does the Government get the wisdom to know what economic areas should be stimulated?

Moreover, the economy is not such a simple organism that this or that part can be automatically stimulated at Government will even if Government had the wisdom. If Washington wants to see higher steel output, a special depreciation easing for that industry may or may not have that effect; the important consideration will still be demand.

But the worst aspect of the selective approach is that it makes an inequitable setup even more inequitable. There is no basis in principle for permitting some companies tax easement denied to others.

What is needed is not Federal tinkering but a basic overhaul. That kind of reform would indeed be beneficial to the economy as a whole. But it should also be undertaken because it is the right thing to do.

TAXPAYER'S VOLUNTARILY REPORTING DIVIDENDS AND INTEREST

Mr. BRIDGES. Mr. President, I wish to call attention to an article in the Wall Street Journal of December 23, 1960, reporting "a considerable degree of success" in the Treasury Department's drive for voluntary income tax reporting of dividends and interest payments.

This, I am sure, is a matter in which all of my colleagues are interested.

Perhaps you recall, Mr. President, that in recent years there has been considerable agitation for a system under which dividends and interest payments would be subject to a withholding tax similar to the one now used on wages.

Such a system, I have always felt, would place an enormous burden on the Internal Revenue Service and on the banks, savings and loan institutions, and corporations that would be involved.

It is with great pleasure, therefore, that I note this report by the Treasury Department regarding the success of its voluntary plan.

I believe my colleagues also will be interested in the fact that the dollar volume of dividends and interest reported last year was up 14 percent and 24 percent, respectively, compared with a year earlier.

I ask unanimous consent, Mr. President, to have the story referred to printed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TREASURY ENCOURAGED BY RISE IN TAXPAYERS VOLUNTARILY REPORTING DIVIDENDS, INTEREST

WASHINGTON.—The Treasury reported "a considerable degree of success" in its drive for voluntary reporting of taxable income from dividends and interest payments. If the campaign continues to be succesfsul, it is likely to damp congressional proposals for withholding dividend and interest taxes at the source.

Treasury Under Secretary Scribner, in a letter to leaders of the Senate Finance Committee and the House Ways and Means Committee, reported "significant increases" in the number of 1959 individual income tax returns that reported dividend and interest income.

Of a total of 60.3 million tax returns last year, 5.9 million returns reported $10.3 billion in dividends. It is estimated that total corporate dividends last year were $13.2 billion. Compared with the year before, the number of returns that reported dividends was up 16 percent and the dollar volume of the dividends reported was up 14 percent.

BANKS' AID SOUGHT

"Of even greater importance, in my opinion," said Mr. Scribner, "was the fact that 9.4 million of last year's returns showed $4.5 billion in interest payments. Compared with the year before, the number of returns listing interest was up 26 percent and the dollar volume reported was up 24 percent."

The Treasury started its voluntary-reporting campaign last year. It solicited the help of banks, savings and loans institutions, and corporations, and gave them reminders to send to their depositors and stockholders. When sentiment mounted in Congress for withholding-tax legislation, first on dividend income and eventually on interest income, Treasury men went up on Capitol Hill to plead that the voluntary plan be given a chance. If it doesn't work, they told Congress, then go ahead with your withholding plan.

One reason the Treasury men gave for hoping that the voluntary plan would work is the enormous burden that a withholding scheme would place on the Internal Revenue Service, both to administer the withholding tax fairly and to handle the large number of tax returns that would result, particularly for small investors.

The Treasury's pleas were successful, and the campaign in Congress withered away. It is certain to be given another look by the Kennedy administration, however; the President-elect has promised an examination of the whole tax structure with an eye to closing its "loopholes." Also, the fate of the withholding scheme will hinge in part on who succeeds Mr. Scribner as the Treasury's tax policy expert. Some Treasury men who look favorably on the voluntary scheme, it is said, will be asked to stay in the new administration.

TOTAL GROSS INCOME UP

Mr. Scribner's report to the congressional leaders gave some figures on Americans' income as a whole, as well as on their dividend and interest income. Last year's 60.3 million individual returns listed total adjusted gross income of nearly $305.8 billion; in 1958 a total of 59.1 million individual returns listed adjusted gross income of $281.1 billion.

Of the 60.3 million individuals and families who filed returns for last year, 47.5 million wound up liable for taxes after calculating exemptions and deductions. Their tax bill: a whopping $38.9 billion, up $4.5 billion from 1958.

AFL–CIO PREPACKAGED LEGISLATIVE PROGRAM

Mr. BRIDGES. Mr. President, there is no doubt in my mind that the President-elect has been considerably weighted down by the burden of decisions since his election on November 7. But I noted in an editorial from the Chicago Daily Tribune of December 27, 1960, that there is at least one group of people who are willing to relieve him of some of this burden. At the same time, of course, they are reminding him of an election debt that he owes to them. According to this editorial, the AFL–CIO top command has called an emergency meeting in Washington, D.C., on January 5. The express purpose of this meeting will be to present to the former junior Senator from Massachusetts a prepackaged legislative program. This program will include, among other things, remission of income tax for 2 months and skipping payroll deductions for that period, as a measure against recession.

As the editorial states, this bit of news, coupled with the President-elect's own program, as so far defined, means one important thing: The sacrifice that he said he would call upon the American people to make will be a sacrifice in the purchasing power of their dollars.

Mr. President, I ask unanimous consent to have this editorial appear at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUST IN CASE

Although the attractions of Florida are usually overpowering to the union bosses at this inclement season, the AFL–CIO top command has decided to hold an "emergency" meeting in Washington January 5. This probably qualifies as gallantry above and beyond the call of duty, but the boys have a reason.

Just in case Mr. Kennedy is in danger of forgetting his election debt, the union bosses want to remind him that they are around. The possibility would seem remote, inasmuch as Mr. Kennedy has plucked his Secretary of Labor out of the ranks of the AFL–CIO, but the sentiment seems to be against taking chances. So the brass will gather before the Inauguration Day, in the belief that there is a sufficient urgency to justify manifesting their presence in advance of their annual convention at Miami Beach in February.

The executive council of 29 members is prepared to lighten Mr. Kennedy's cares by submitting a prepackaged legislative program. This envisions, among other points, remission of income tax for 2 months and skipping payroll deductions for that period, as a measure against recession. But the union leaders hope to put unemployment compensation on a permanent basis of 39 weeks, instead of 26 as in most States, and to raise social security payments 10 percent and to generate a "high velocity dollar." This is a dollar that would be spent quickly to take up slack in the economy.

Mr. Kennedy's own program, as so far defined, consists of raising the minimum wage from $1 to $1.25, extending medical care to the elderly under social security, launching a program of Federal aid to education, and handing out subsidies to depressed areas.

All in all, we should say that the AFL–CIO program, added to his program, would certainly produce high velocity inflation, at the very least, for it would pack further costs in the billions on the Government while reducing Federal revenues with which to meet them by at least one-sixth. The inevitable prospect is for deficit spending.

Mr. Kennedy stated in his acceptance speech at Los Angeles last summer that he was going to call on the people for sacrifice. Everything in sight suggests that the principal sacrifice will be in the purchasing power of their dollars.

CASTRO REGIME

Mr. BRIDGES. Mr. President, during the past 2 years since the Castro regime assumed the reins of the Government of Cuba our relationship with that country has deteriorated steadily to such a point that earlier this month it was necessary for us to withdraw diplomatic recognition of the Government of Cuba.

Certainly every thoughtful American, who has witnessed the rapid decay of relations between our country and Cuba, fully realizes the pro-Communist, anti-American trail which Castro and his henchmen have been following.

For this reason, it is difficult, if not impossible, for me to understand the recent remarks of a supposedly well-educated American concerning the present Cuban Government.

The conclusions drawn by Paul Baran, an economics professor, in a speech delivered recently in Pala Alto, Calif., were so shocking that I wish to call them to the attention of my colleagues. The professor is quoted in an editorial, "They Call It Education," which appeared in a recent issue of the Manchester (N.H.) Union Leader.

Mr. President, I ask unanimous consent that this revealing editorial be printed at this point in the RECORD as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY CALL IT "EDUCATION"

The guest speaker strode to the platform and began: "Fidel Castro is one of the great men of this century." The audience leaned forward. "I wish more countries had more Castros," the speaker continued. "I consider him one of the most brilliant men I have ever met."

The distinguished speaker went on to tell how Cuba had stockpiled enough goods to last it 2 years and how Russia is supplying the one needed commodity, crude oil. The country is progressing despite "the relentless hostility of the United States," the gentleman said.

Why has not Castro permitted free elections? Why, said the speaker, simply because the opposition to the regime is disorganized and a free election would give them an opportunity "to take form and become organized." Besides, the gentleman said, "an election now would merely help the counter-revolutionists."

The speaker said he feared direct intervention in Cuba's affairs by the United States, either the landing of U.S. Marines or the equipping of a free Cuba invasion force.

Communists in Cuba? Never fear, the gentleman said. Castro does not like the Communists because they did not fight vigorously enough against Batista. Of course, the speaker granted, individual Communists may have access to Cuban leaders.

The man sat down and the audience applauded vigorously.

This affair did not take place in some hall reserved for a Communist Party cell meeting. The speaker does not claim to be a Communist.

This gathering of students took place at Cubberley Auditorium in Palo Alto, Calif., and the speaker was Stanford Economics Prof. Paul Baran, just back from a 3-week tour of Cuba during which time he was escorted by none other than Castro himself.

And all of this parades under the heading of "education."

FOREIGN AID ILLEGAL?

Mr. ELLENDER. Mr. President, I ask unanimous consent that an editorial appearing in Life Lines in its issue of December 30, 1960, entitled "Foreign Aid Is Illegal," be printed in the RECORD, at this point.

In the past I have not attacked the foreign aid program as illegal, but there appears to be some merit to the allegations made in this editorial to the effect that foreign aid is, in fact, illegal, according to disclosures made by my good friend the Senator from North Carolina [Mr. ERVIN], who is quoted in this editorial.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN AID IS ILLEGAL

There is an old saying which goes: "If you want to have friends, be a friend for the sake of genuine interest in the welfare of others. If you want to make a lifelong enemy, offer your help to a friend for the sake of personal gain."

That America's foreign aid program has been losing friends for America is now becoming evident in almost every quarter of the globe. That American dollars have not and cannot halt the spread of communism certainly should be evident. We have made no real progress in recent years and the mistaken enemies of freedom have made significant progress where we have failed. Is it because we have tried to buy friendship with our dollars? Is it because the administration of our foreign aid has left the impression among the countries receiving it that we were not actually interested in them at all, but we were just looking out for our own best interest? Or is it because the whole concept of foreign aid, as it is now operated, destroys the pride of the countries getting it, and thus causes them to hate America? These are soul-searching questions to which every American should seek the true answer.

Yet, in a large sense, it is impossible for the average American, yes, even a Congressman or Senator to find the answers, for much of the foreign aid program is shrouded in a cloak of secrecy too thick to be penetrated. Just who has received American aid? How much has each country received? For what purpose has the money been spent? What has it accomplished? These are legitimate questions for taxpayers to ask—but they are not questions to which you can get answers.

The Constitution of the United States provides that the Congress shall have power to collect taxes "in order to pay the debts and provide for the common defense and general welfare of the United States." Please note that this refers to the debts of the United States. It does not refer to the debts of Great Britain, Austria, Greece, Denmark, France, and the Netherlands—although all these countries have been paying off their own debts with our tax money.

Senator SAM ERVIN of North Carolina, who for many years was an associate justice of his State's supreme court, expressed his opinion of the illegality of our foreign aid program in a speech in the U.S. Senate. He said: "I do not think we are empowered to take tax money and give it to neutrals merely to advance their welfare. I believe, that under the Constitution, we have no right to take tax money and spend it for any purpose except that which is calculated to promote the general welfare of the United States. Our Government is not an eleemosynary institution and the Constitution does not authorize it to act as such."

Of course, Senator ERVIN is exactly right. The power of the Congress stems from the Constitution. The Constitution is—in theory—the supreme law of the land. The President's single sworn duty is to "preserve and defend the Constitution." All Senators and Representatives take an oath to support and uphold the Constitution. They have no powers except those enumerated in it. And yet, for the past 15 years, the Constitution has been circumvented and ignored.

Also, every effort has been made to prevent the individual citizen from interfering in this illegal giveaway program. The Supreme Court, in the case of *Massachusetts* v. *Mellon*, decided that the ordinary taxpayer may not sue the U.S. Government to keep it from spending his tax money in an unconstitutional manner. Furthermore, there is no legal machinery by which the ordinary citizen can insist that Members of Congress should observe the law as embodied in the Constitution. Even the recourse of the ballot box is denied the ordinary citizen. The people of America have never been given an opportunity to vote on foreign aid.

CIVIL RIGHTS

Mr. CLARK. Mr. President, there will soon be offered in this body a number of bills dealing with the question of civil rights, many of which I have been asked to cosponsor. Last summer President-elect Kennedy requested Representative EMANUEL CELLER of New York and me to put into legislative or bill form the civil rights plank of the Democratic platform. We have proceeded with that task, which is nearly completed. Before introducing that legislation, however, we wish to confer with the representative of the Attorney General-to-be, but not as yet appointed, who will be in charge of the Civil Rights Division of the Department of Justice. This brief statement is made to explain why I shall not cosponsor other civil rights measures which otherwise I would have been happy to do.

CERTAIN CHARGES AGAINST THE DELAWARE STATE HIGHWAY DEPARTMENT

Mr. WILLIAMS of Delaware. Mr. President, last Monday I had the unpleasant task of outlining certain charges against three officials of the Delaware State Highway Department, and at that time I asked for their removal from office.

Fully recognizing that this was primarily a State problem, but nevertheless since this was a State agency which spends millions of Federal funds under the Federal Highway Act, I felt that the Senate and the Bureau of Public Roads should be alerted.

Among the charges presented were kickbacks on contracts, the acceptance of lavish gifts and entertainment, conflict of interest, and the solicitation of political contributions from employees and contractors doing business with the State.

Since that time the State highway commission has adopted a new code of ethics which in the future will prohibit such practices, and I commend them for this step in the right direction; however, I still do not withdraw my suggestion for the removal of the three men specifically mentioned last Monday.

Mr. J. Gordon Smith, chairman of the highway commission, does not deny having directed business to his personally controlled companies, and while he says he will in the future not direct any more business to companies which he personally owns, nevertheless he is insisting upon his right to direct business to companies which are controlled by the immediate members of his family.

Mr. Haber, while admitting the acceptance of gifts mentioned, insists that no favors were granted nor none expected by the contractors who made these gifts, some of which were valued as high as $500.

This is the same defense which was given by the recipients of the mink and vicuna coats, the deep freezes, and Persian rugs.

It is not just a question of, Has a criminal law been violated? There is a moral code expected of public officials.

Both men deny they have done anything wrong but end up promising they will not do it again.

Last Monday I listed several of the gifts which had been accepted by Mr. Haber from these contractors. Today I extend this list and refuse to accept as an explanation Mr. Haber's argument that he should not be criticized for having accepted these cash gifts since he turned them all over to charity.

My question is, "Why did he accept them in the first place and what charities got the six $100 bills which are listed below?"

In 1956 Mr. Haber received a present of $100 in cash from Howard P. Wilson, of the Wilson Construction Co. In 1957 Mr. Haber received another Christmas present of $100 in cash from the same Mr. Wilson. In 1958 from the same source he received another $100 cash Christmas gift. In 1959 he received again the usual $100 in cash as a Christmas present from Mr. Wilson.

In 1958 there is another $100 cash gift which Mr. Haber received from the Edgell Construction Co.

Both of these contractors, Edgell Construction Co. and the Wilson Construction Co., are suppliers and contractors doing considerable road construction business for the State of Delaware, and Mr. Haber is the keyman who approves their work, their contracts, and their overruns.

In addition to the above cash gifts, there is one other gift which Mr. Haber received upon which he placed a valuation of approximately $500. This was a gift primarily of landscaping services and material furnished by Ralston & Gordy, a contracting company.

This company prepared, seeded, and fertilized the lawn for his new home and made certain improvements in his driveway, including curbing, etc. These improvements were valued at approximately $500 and were furnished by this contracting company whose owners were doing business with the State highway department.

Another gift was a portable television set which was given to Mr. Haber by the Franklin Builders.

Mr. Haber has admitted the acceptance of all these gifts, and I again ask the question "How much evidence of impropriety will be needed by the Delaware State Highway Commission to remove Mr. Haber from the public payroll?"

The State highway department and its adoption of a new code of ethics has stopped the practice of soliciting kickbacks as political contributions from its employees. I commend them for this step; however, solicitations from employees is only a part of the collecting which has been permitted under the chairmanship of Gordon Smith.

Under the chairmanship of Mr. Gordon Smith and the supervision of Mr. Richard Haber there have been bold solicitation of political contributions from contractors doing business with the State of Delaware and, on occasions, employees of the State highway department have been permitted to make these solicitations while on official duty and even while driving a State car.

One such solicitor was a Mr. G. Clarence Reihm. Mr. Reihm is an employee of the Delaware State Highway Department working out of the New Castle office. As a designated solicitor he has been collecting kickbacks from employees of the highway department averaging from 1 to 2 percent of their paychecks, and he has been taking this cash and turning it over to his superior, Mr. Roy Hawke, another employee of the highway department. He estimates his average monthly collections from these employees at around $300, with about one-half of the employees contributing.

On another occasion, Mr. Reihm was assigned to sell $25 tickets to a Jefferson-Jackson Day dinner and he was given orders to solicit from certain contractors doing business with the State of Delaware. To five contractors he sold a total of 42 tickets, collecting $1,050. The solicitation for the sale of these Jefferson-Jackson Day dinner tickets was made while he was on official time and driving a State-owned car.

As evidence that this practice of assigning State highway department employees to solicit political contributions from employees and contractors doing business with the State was not unknown to Mr. Haber—and certainly it could not have been unknown to Mr. Gordon Smith either—I quote Mr. Haber's own answers:

Question. Mr. Haber, are you aware of the practice of the State highway department employees soliciting political contributions from employees and from contractors?

Answer. Yes, sir.

Question. And these solicitations are made on State time using State vehicles?

Answer. I assume they are; yes, sir.

Question. And these solicitations are made by people who deal with the contractors for the State highway department?

Answer. Some of them, yes, sir; but once again this is nothing new. This has been going on for a long time.

I call attention to another glaring example of solicitations of political contributions from contractors doing business with the State highway department.

The Petrillo Bros., Inc., operate a general contracting and material business and do considerable work for the Delaware State Highway Department.

On May 2, 1957, Mr. Denny A. Petrillo, of Petrillo Bros., Inc., received a telephone call from Mr. Garrett Lyons—now deceased—the chairman of the Democratic State committee, asking that he stop by Mr. Lyons' home on Faulk and Shipley Roads. The appointment was arranged for around 9 p.m. on May 2, 1957.

When he arrived at Mr. Lyons' home he was admitted by Mr. Lyons and found a top official of the Delaware State Highway Department also present.

The discussion was about a maintenance and material contract that the State was soon going to advertise.

Mr. Petrillo was given to understand that if he would make a $5,000 contribution to the Democratic Party he would

get a good share of the orders for a material contract that was soon to be awarded.

After thinking this offer over Mr. Petrillo decided to go along with the proposal, and the following morning, May 3, 1957, he went back to Mr. Lyons and gave him a $5,000 check payable to the Democratic State committee.

This check is identified, as follows: Check No. 668, dated May 3, 1957, payable to the Democratic State committee, drawn on the account of the Petrillo Bros., Inc., at the Equitable Trust Co., Wilmington, Del. This same day, May 3, 1957, this check was deposited by the Democratic State committee to their account in the Delaware Trust Co. in Wilmington.

Subsequently the highway department advertised for bids, and as agreed the Petrillo Bros. were awarded the contract.

This is but one example of the bold solicitation for political contributions, which have been in effect demands upon these contractors.

Over the past 4 years, the Petrillo Bros., for example, have been shaken down for another $10,000 in contributions to the Democratic State committee, some of which were in the form of checks and others were requested to be in the form of cash. Certainly these forced political contributions had the inevitable result of being recognized as extra costs of doing business in the State of Delaware and ultimately ended up by being added up to the contract prices of building our State and federally supported highways.

Recognizing the serious question raised by the solicitation of political contributions from corporations as well as the contributions themselves, I directed an inquiry to the Attorney General of the United States asking this question: "Are corporate contributions to political parties legal under any circumstances?" In reply I was furnished a memorandum calling my attention to section 610, title 18, United States Code, which is the basic Federal law restricting the political activities of corporations. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, January 3, 1961.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your letter of December 22, 1960, addressed to the Attorney General has been referred to me for reply. You inquire about individual and corporation contributions to political parties.

You will appreciate, I am sure, that a complete answer to this question calls for my legal opinion on the interpretation and application of criminal statutes which I am not authorized to provide. However, I enclose a copy of an informal memorandum which sets forth the text of the relevant statutes and contains some observations thereon which I believe you may find helpful.

With best regards.

Sincerely,

HAROLD R. TYLER, JR.,
Assistant Attorney General,
Civil Rights Division.

MEMORANDUM RE (1) ARE CORPORATE CONTRIBUTIONS TO POLITICAL PARTIES LEGAL UNDER ANY CIRCUMSTANCES? (2) ARE INDIVIDUAL OR CORPORATE CONTRIBUTIONS TO POLITICAL PARTIES LEGAL WHEN SUCH PAYMENTS HAVE THE APPEARANCE OF BEING EITHER SHAKEDOWNS OR BRIBES TO OBTAIN SPECIAL FAVORS FROM A STATE AGENCY?

1. FEDERAL ELECTION LAWS RELATING TO CORPORATIONS

Section 610, title 18, United States Code, is the basic Federal law which restricts the political activities of corporations. It reads:

"SEC. 610. Contributions or expenditures by national banks, corporations or labor organizations

"It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

"Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than $1,000 or imprisoned not more than 1 year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than 2 years, or both.

"For the purposes of this section 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."

The first of the two provisions in section 610 has the effect of making it unlawful for any national bank or any corporation organized under any law of Congress to make a contribution or expenditure in connection with any election to any political office. This portion of the law is not limited to Federal candidates or Federal elections and the prohibition would appear to include expenditures in local and State elections.

The second portion of section 610 relates to corporation and labor union contributions and expenditures in connection with candidates for Federal office.

The Federal election laws do not apply to corporate contributions or expenditures to State or local candidates and unless prohibited by State law such contributions or expenditures would appear to be legal.

2. CONTRIBUTIONS TO POLITICAL PARTIES

The Federal election laws are primarily designed to insure a fair and honest election of Federal candidates. The election law statutes do not restrict individual or corporate contributions or expenditures to political party candidates for local or State office.

Section 611, title 18, United States Code, which is closely related to the general subject prohibits political contributions by firms or individuals (but does not include corporations) contracting with the United States.

EXPANDING FEDERAL AID TO HIGHER EDUCATION

Mr. JAVITS. Mr. President, recommendations for the extension and expansion of the National Defense Education Act were reported yesterday by a panel of 20 distinguished Americans and leading educators appointed by Secretary of Health, Education, and Welfare Arthur Flemming. Among their important recommendations are those for a $25 million program for 25,000 4-year Federal undergraduate scholarships; ending the requirement for the so-called disclaimer affidavit for college loans; and doubling the allowability of college student loans to a particular institution. It is vital that this report should not be overlooked, and I shall introduce a bill to implement it.

There has been a growing awareness that substantial assistance must be given to strengthen our higher education system and its capability in the years ahead to train and develop the talent essential to free world leadership. It is very clear that this is not being done by the existing program, which was a pioneering program, admirable in itself, and a great tribute to this administration and to Congress, but which now needs to be strengthened.

The education panel consisted of leading figures of national reputation. They are: James E. Allen, Jr., commission of education, New York State; Louis T. Benezet, president, Colorado College; Arthur Bestor, professor of history, University of Illinois; J. Douglas Brown, dean, Princeton University; Dr. James Conant, of New York City; John E. Cosgrove, assistant director of education, AFL–CIO; Willis E. Dugan, professor of education psychology, University of Minnesota; J. W. Edgar, commission of education, Texas; Lynn A. Emerson, of Maryland; Martin Esses, superintendent of schools, Akron, Ohio; Marion B. Folsom, director, Eastman-Kodak, Rochester, N.Y.; Gen. Alfred M. Gruenther, president, American Red Cross; Rt. Rev. Frederick G. Hochwalt, executive secretary, National Catholic Education Association; Devereux C. Josephs, of New York City; R. M. Lumiansky, dean of graduate school and provost, Tulane University; Wheeler McMillen, vice president, Farm Journal, Inc.; Lorimer D. Milton, president, Citizens Trust Co., Atlanta, Ga.; A. L. Sachar, president, Brandeis University; Ruth A. Stout, assistant secretary, professional relations, Kansas State Teachers Association; and E. W. Strong, vice chancellor, University of California.

The 86th Congress approved legislation which included additional funds for the NDEA of 1958 and for aid to land-grant colleges. The most significant item in the appropriation was an increase of almost $28 million for NDEA programs, bringing the total appropriation close to the maximum authorizations of the act and within $1,400,000 of the 1961 budget estimate submitted by

the Department of Health, Education, and Welfare. Other appropriation items in the law include $58,430,000 for the student loan program; nearly $58 million for science, mathematics, and foreign language instruction; $40,872,000 for vocational education; and $20,750,000 for graduate fellowships.

Another act of the 86th Congress was to attach to a minor bill a $500 million increase in the loan authorization ceiling of the college housing loan program. This bill incorporated legislation which I had sponsored. The Congress thus provided relief for college and university housing financing. This loan authorization will be absorbed largely in meeting pending requests of nearly $300 million now before the Housing and Home Finance Agency. But there still remain areas of urgent need in financing academic, administrative, and other related college facilities.

The NDEA is a pioneer effort and it must be regarded as a beginning if millions of young trained minds are to be fully developed in colleges and universities equipped to cope with the steadily rising registration by 1970.

The education gap in terms of manpower already means:

From 100,000 to 200,000 high school graduates in the top quarter of their class are not pursuing a college education because of insufficient funds; college costs are up 33 percent since 1956 and are expected to rise another 33 percent by 1964, considerably faster than average family incomes.

By 1970, the number of professional-technical jobs will total 12 million compared to 7 million in 1960, although there is no assurance that we will have trained personnel to handle them since nearly one-third of the 26 million new members of the 1970 labor force are expected to lack a high school education.

By 1970, a shortage of thousands trained to serve in foreign lands as employees of government and business.

To close the education gap, combined public and private sources will have to be investing an average of $10 billion annually by 1970.

If the education gap is allowed to widen and a serious shortage of highly skilled manpower develops in the United States, it portends serious consequences for the success of related efforts that government, private industry, and labor must make.

The current report should leave no doubt in anyone's mind that the 87th Congress must be fully alert and responsive to the national interest in and concern for higher education.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "School Act Expansion Urged by 20 Experts," written by Erwin Knoll, and published in the Washington Post of January 13, 1961.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOOL-ACT EXPANSION URGED BY 20 EXPERTS

(By Erwin Knoll)

A massive expansion and 5-year extension of the National Defense Education Act of 1958 were recommended yesterday by a panel of 20 leading educators.

They urged retention of every school-aid program now authorized by the act, inclusion of a substantial Federal scholarship program and addition of English language instruction to the subject fields the act is designed to strengthen.

The act, which expires June 30, 1962, was passed by Congress in the aftermath of the first Soviet satellite launching. It provides Federal funds to bolster instruction in mathematics, science, and modern foreign languages, and authorizes Federal loans to undergraduate students, graduate fellowships and aid for vocational training.

The educators' report was released yesterday by Arthur S. Flemming, Secretary of Health, Education, and Welfare, who said he was in agreement with their recommendations.

"Basic to our consideration of the National Defense Education Act," the educators added, "is our belief that the Federal Government has an obligation to help identify and bring to fruition the full potential of every youth. Further, it is our belief that failure to do this will imperil not only the individual, but the Nation and the free world."

One of the panelists, the Right Reverend Monsignor Frederick G. Hochwalt, executive secretary of the National Catholic Educational Association, said he could not agree at this time to any increased Federal support for education beyond the specific recommendations in the report.

The educators were divided on whether a Federal scholarship program should be administered by the States or by institutions of higher learning, but they agreed that such a program should provide an initial amount of $25 million, increasing to a total of $100 million in the next 4 years.

Individual grants of up to $1,000 would be based on merit and need, with an additional $500 going to the institution in which the recipient is enrolled.

The educators proposed establishment of the student loan program on a revolving fund basis, doubling of the $250,000 ceiling now in effect for Federal loans at a single institution, extension of loans to students in 2-year technical institute programs, repeal of the loyalty disclaimer affidavit which has been widely criticized by colleges, and extension to all school and college teachers of the loan forgiveness provision now applied only to public school teachers.

COMMENTARY ON GREATNESS

Mr. SCOTT. Mr. President, the Philadelphia Inquirer of January 8 contained an editorial about the formal counting of the ballots which had been cast by members of the electoral college. It expressed with eloquence what was in the hearts and minds of many who saw Vice President NIXON announce the victory of his opponent. The Inquirer says that the Vice President's remarks were "a historic commentary on the American system of government." They were also a commentary on the greatness of the man who made the remarks.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S FAREWELL ADDRESS

Republicans and Democrats of the Senate and the House, rising in unison to accord Vice President RICHARD M. NIXON a standing ovation, were showing their respect for an extraordinary man who had just demonstrated, once again, his unwavering resolve to hold the national interest high above party considerations.

Strange twists in the course of history placed Mr. NIXON in a very unusual situation—without precedent for a hundred years. As Vice President he was directed by procedure set forth in the Constitution of the United States to preside over the formal counting of ballots that decreed himself the loser—and John F. Kennedy the winner—in the presidential election.

This might have been a time for bitterness or embarrassment but it wasn't. Mr. NIXON combined good humor with dignity and solemnity appropriate to the occasion. He climaxed the ceremony with a short address that will long be remembered as a historic commentary on the American system of government.

"In our campaigns, no matter how hard fought they may be, no matter how close the election may turn out to be, those who lose accept the verdict," Mr. NIXON said. He extended congratulations and best wishes to Mr. Kennedy and to Vice-President-elect LYNDON B. JOHNSON as they prepare to assume grave duties and responsibilities "in a cause that is bigger than any man's ambition, greater than any party. It is the cause of freedom, of justice, and peace for all mankind."

We hope that all Americans, regardless of which candidate they favored in the November election, will join Mr. NIXON in giving the incoming administration the support which these perilous times demand from all of us.

GRIT AWARD TO HON. HERMAN T. SCHNEEBELI

Mr. SCOTT. Mr. President, I offer the following insertion for the RECORD because of the insight it offers into the background of one of the recently elected Members of the House.

Grit, a weekly newspaper which is published in Williamsport, Pa., but which has a remarkably widespread national circulation, regularly makes awards to persons of outstanding ability. Although Mr. SCHNEEBELI was nominated for the Grit Award in 1959, the editors bypassed his name only because he was then a candidate to fill the seat from the 17th District of Pennsylvania, which had been left vacant by the death of the Honorable Alvin R. Bush. The editors believed that the article would give Mr. SCHNEEBELI an unfair advantage over his opponent. After Mr. SCHNEEBELI was elected in a special election and then reelected last November, Grit went ahead with the award.

It gives me great pleasure to offer the following article about my colleague from Pennsylvania. I ask unanimous consent that the article from Grit be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HERMAN T. SCHNEEBELI CITED FOR WORK IN FUND RAISING

HERMAN T. SCHNEEBELI is equipped with the enviable qualities so needed in public and civic life.

He is serious, but at the same time friendly; he is deliberate, but can also act quickly when the occasion demands. He is calm and unruffled, but speaks his mind when necessary; he has convictions, but also appreciates the opinions of others.

Associates also have found that Mr. SCHNEEBELI possesses a combination of rare

business ability and tireless energy—attributes from which Williamsport has benefitted handsomely in recent years.

LOCAL GROUPS AIDED

In addition, Mr. SCHNEEBELI has a genial disposition not easily disturbed. He can disagree with vigor while maintaining an atmosphere of good humor and conciliation.

It's little wonder, then, that Williamsport civic, welfare, and other organizations have called on him so often to assist in management and fund raising. And it's little wonder that Mr. SCHNEEBELI responds, because he has such an intense desire to help his community—just as he is striving so earnestly to do for a larger area today as a dedicated, hard-working Congressman.

It is for his wide range of civic service to his fellow men that Grit this year singles out Mr. SCHNEEBELI for one of its awards for meritorious community service.

Mr. SCHNEEBELI was nominated for a Grit award in 1959 and would have been presented the citation but for the fact that he was selected by Republican conferees to run for the congressional seat made vacant by the death of Alvin R. Bush. Grit's board of directors believed that it would have given Mr. SCHNEEBELI an unfair advantage over his opponent to cite his many commendable civic contributions at a time when he was competing for public office. Therefore, though greatly deserving, he was passed up in the final selection.

PRAISED FOR CIVIC WORK

Now that Mr. SCHNEEBELI has won the full 2-year term to Congress in his own right, the political objection no longer applies, and he can properly be extolled for his many good civic works.

Though removed from active on-the-scene civic leadership by his larger services in Washington, his efforts on behalf of his community go on and on.

A case in point is the Williamsport Hospital.

Mr. SCHNEEBELI has been a member of the board of managers at the hospital since June 17, 1958. When, in August of that year, the board looked around for a general chairman for its campaign for funds to provide a school of nursing and a nurses' residence, the one man who stood out as the best choice was HERMAN SCHNEEBELI.

RECEIPTS TOP GOAL

A tribute to the chairman's resolute effort is shown by the fact that a whopping $875,000—$130,000 above the fund goal—was raised in the campaign.

"The wonderful results attained in the drive were due, in large measure, to the organizational ability and the efforts of HERM SCHNEEBELI," said Daniel W. Hartman, executive director of the hospital's building program and for many years administrator of the hospital.

And Paul G. Wedel, present administrator at the hospital, describes Mr. SCHNEEBELI "as a sincere and conscientious member of the board of managers who has shown a tremendous interest in the hospital."

This valuable hospital expansion program now is nearing fruition. The new building, containing a residence and educational facilities for student nurses and an auditorium for staff and other meetings, is now about two-thirds finished, with construction expected to be completed April 30.

The structure will house 138 student nurses and will be in use next summer.

Mr. SCHNEEBELI and his aids in the campaign must have a real feeling of pride as they watch this hospital addition become a reality.

OTHER GROUPS BENEFIT

Other organizations also have benefited from Mr. SCHNEEBELI's selfless efforts.

In 1958, he was a member of the steering committee which directed a campaign for funds staged by Lycoming College. In addition, he aided in the advance solicitation in the drive.

A total of $1,001,120 was contributed in the campaign—the largest sum of money ever subscribed in Williamsport for the support of any welfare or educational undertaking.

"Mr. SCHNEEBELI showed a deep interest in the college," commented Dr. D. Frederick Wertz, Lycoming president. "He gave wise counsel and advice in overall planning."

One of Congressman SCHNEEBELI's favorite organizations is the Lycoming United Fund, of which he long has been a booster and director. His interest in the United Fund doubtless developed from his connections with the Community Chest, predecessor of the United Fund. He served as Community Chest campaign director in 1951 and as president of the chest in 1952 and has had a part in all chest and United Fund drives since 1947.

PRESIDENT OF BOARD

President of the board of trustees of the Williamsport YWCA, he also served as chairman of a YWCA drive which had a quota of $125,000 and raised $130,000.

For 2 years—1954 and 1955—he served by appointment as a member of the Williamsport School Board, where another member said of him:

"I never saw anyone grasp problems as quickly as HERM SCHNEEBELI. And he also could find the right answers."

In 1959, Mr. SCHNEEBELI served as chairman of a Williamsport Chamber of Commerce committee which conducted a nine-session course in "Practical Politics for the Businessman."

This course on politics was so popular that the chamber of commerce is now operating two different classes on the subject for local business and professional men.

Mr. SCHNEEBELI evidently followed his own precepts well, for, as the Republican nominee, he was elected to Congress April 26, 1960, from the 17th District to fill the vacancy resulting from the death of Alvin R. Bush. Last November 8, he was elected to a regular 2-year term in the House of Representatives in Washington. He is a member of two important House committees—Public Works and Banking and Currency.

COMMENT ON ELECTION

Mr. SCHNEEBELI's successful move from a businessman merely interested in politics for the betterment of his country to a legislator able to work for such betterment on the scene in Washington was so unusual that it drew special comment from such noted writers as Victor Riesel.

Because he was elected by the people, the 17th District Congressman goes to the people for advice.

One of his earliest acts after taking office was to send to the 100,000 voters in the district a questionnaire covering the many facets of Federal Government. Constituents were asked to list their answers to questions on subjects ranging from foreign affairs to taxes.

Fifteen thousand replies—a remarkable response—were received, giving Congressman SCHNEEBELI a clear view of the thinking back home.

In Williamsport, Mr. SCHNEEBELI also has been a director of the chamber of commerce; active in the chamber's LIFT campaign, and its industrial development bureau, of which he was a vice president, and a member of the group's sales team seeking new industries for the Williamsport area.

One of Mr. SCHNEEBELI's principal interests is his church—Trinity Episcopal. At Trinity, he has been a vestryman, member of the finance committee, and chairman of the every-member canvass committee. Under his leadership, Trinity has steadily increased the size and proportion of stewardship pledges toward the church budget.

"From a pastor's viewpoint, however," said the Reverend William B. Williamson, D.D., former rector at Trinity, "Mr. SCHNEEBELI's most valuable asset is his creating, with his lovely wife, of a strong and healthy Christian home. The Schneebeli family possesses one of the best church attendance records in the parish, and each member has been happily engaged in some phase of the work and life of the church.

"Regardless of his busy life and schedule, this fine churchman always makes and takes time to be of service to his parish."

Mr. SCHNEEBELI, also was a board member of the Williamsport Council of Churches in 1957.

ACTIVE IN BUSINESS

He has been active in the Williamsport area business world since 1939, when he became commission distributor here for the Gulf Oil Co. Between 1931 and 1939 he was employed by Gulf, working in Texas, Oklahoma, and Kentucky, and traveling in six States from New York to North Carolina.

Mr. SCHNEEBELI also is president of the Muncy Motor Co. and has a major financial investment and partnership in four oil and tire businesses in Lycoming and Tioga Counties.

He is vice president of the oil information committee, a member of the Pennsylvania Motor Truck Association, and a director of the First National Bank of Williamsport.

During the Second World War, Mr. SCHNEEBELI served 44 months as captain of the Ordnance department, U.S. Army. He was an executive officer at three plants manufacturing high explosives.

He was born July 7, 1907, of naturalized Swiss parents in Lancaster. His father, Alfred Schneebeli, was general manager for the largest silk broadcloth manufacturers in the United States and supervised five plants in three States.

HERMAN SCHNEEBELI was graduated in 1930 from Dartmouth College, where he was a classmate of Nelson A. Rockefeller, New York Governor, who visited this area to help him in his congressional campaign.

GOT MASTER'S DEGREE

After obtaining his A.B. degree at Dartmouth, Mr. SCHNEEBELI received a master's degree from the Amos Tuck School of Business Administration at the same college. Prior to attending Dartmouth, he was an honor student at Mercersburg Academy. He is now serving as Williamsport area chairman of a Mercersburg $1 million development campaign.

In Williamsport, Mr. SCHNEEBELI is a member of Garrett Cochran Post No. 1, American Legion; the Elks' Lodge, and a 20-year member and former director of the Kiwanis Club.

September 21, 1939, he married Mary Louise Meyer, of Bellefonte, who also has been active in community affairs. She is a graduate of Hood College, a former president of the Williamsport Home, a director of various parent-teacher associations, and head of the Episcopal women of the Williamsport Archdeaconry.

The Schneebelis, who live at 870 Hollywood Circle, have two daughters—Marta Louise, a freshman at Hood College, and Susan Jane, a senior at the Williamsport High School.

As a Member of the House of Representatives, Mr. SCHNEEBELI now must spend a great deal of his time with congressional work—both here and in Washington. At the same time and despite his busy schedule, he has maintained his close and helpful ties with local religious, civic, and welfare organizations.

These groups know that they can always depend on HERM SCHNEEBELI for assistance and counsel even as he continues to work with vigor and dedication in his larger sphere in Washington.

NEEDED: OPTIMISM, NOT PESSIMISM, ON U.S. ECONOMY

Mr. WILEY. Mr. President, across the Nation, there are—regrettably—about 4½ million unemployed and economic slowdowns in some businesses and industries.

As President Eisenhower in his state of the Union message pointed out, however, the country is still moving ahead with levels of employment and output of goods and services unsurpassed in our history.

In dealing with these economic difficulties, let us face some facts of life: the antidote to an economic setback is not to throw up our hands and scream "depression." Psychologically, this could help to create one; perhaps it has already made the situation more difficult in this case.

Nor should Uncle Sam be expected to bear the whole burden of pump priming the economy—as some would propose. The Treasury is not a bottomless pit, kept full by an invisible genie, creating new money without cost to the taxpayers.

All segments of the U.S. economy have a vested interest in, and a fundamental responsibility for helping to resolve, our economic problems. Among other things, this means attempts to create jobs for the unemployed and keeping the wheels of our free enterprise system rolling forward at a good rate of progress.

Now, what can be done?

In my judgment, new efforts are needed to encourage greater confidence in—not attempt to undermine—our economy; encourage greater investment in enterprises—large and small; encourage business and industry to share profits with labor and consumers; encourage a responsible attitude by labor in wage and benefit demands; and as necessary, expand Government programs for highway building, airport construction, and so forth; and loosen up money policy; but only as necessary.

In all of this, of course, it is extremely important not to take action that would spur inflation and further depreciate the dollar.

The Nation—I am confident—will be able to deal swiftly and successfully with the economic slowdowns and unemployment—if we first, encourage the cooperation of all segments of the economy to deal with the situation; second, realistically emphasize the positive aspects of the picture—not enlarge the negative out of perspective; and third, get rid of the pass-the-buck attitude of let Uncle Sam do the whole job.

ESTABLISHMENT OF WORLD RESOURCES BOARD

Mr. WILEY. Mr. President, the United States—and the world—face great, broad-scope economic challenges, if we are to promote maximum progress for mankind.

As we can resolve the major problems now blocking development, however, I believe it would mean great things:

First. For the highly developed nations like the United States, in terms of creating new markets and opportunity for our industrial, agricultural, business, and service interests.

Second. For the peoples of less-developed areas, now literally needing "everything," to lift standards and promote economic progress.

To accomplish these objectives will require long-range global planning and cooperation among nations.

In addition to efforts by individual nations, I believe the establishment of a United Nations World Resources Board could make a constructive contribution in this field.

The purpose would be to, first, evaluate present and future needs of humanity around the globe; second, survey the resources of the world—human, natural, industrial, agricultural; and third, make recommendations on how to more effectively channel these vast resources to serving mankind.

Far too many of the nearly 3 billion people are existing on pitifully low standards of living;

The economies of the world's 118 countries—except for a few—are still greatly underdeveloped; and

The existence of "have not" peoples and nations continue to be hotbeds of unrest in the world—and the targets of Communist piracy,

The establishment of a World Resources Board—for example, under the Economic and Social Council of the United Nations—could, I believe, perform the following functions:

First. Correlate existing studies—and, as necessary, undertake new ones, to fill in gaps of knowledge—of human need and natural resources on a global basis.

Second. Propose ways and means on how available resources—such as the surplus foodstuffs in the United States, and the great industrial-agricultural production capacity of the United States, and other advanced nations—could be more effectively mobilized to lift standards of living.

Third. Make recommendations as to how potential resources could better be utilized to serve humanity.

Fourth. Promote smoother, faster flow of commodities—including removing barriers now obstructing traffic—from sources of supply to places of demand.

Fifth. Prepare long-range plans as to how nations, individually, bilaterally, regionally, and internationally, can more effectively cooperate to meet the growing needs of a fast-expanding world population.

We recognize, of course, that today, a great many programs are underway by nations, individually and collectively, to promote progress in this field.

However, the design of larger scope, longer range global plans, I believe, would provide guidance for exporting nations and result in a faster development and utilization—particularly in less-developed areas—of nations' own natural resources.

Unfortunately, the facts of life, especially those involved in the East-West conflict, continue to create difficult problems which sometimes act as a deterrent to economic progress.

Nevertheless, I believe that such a study—creating a new global perspective—would be beneficial, for: (a) Speeding the time when more people could live better; and (b) shifting the emphasis from militarism—now absorbing vast resources and manpower—toward economic humanitarian progress.

SEMIANNUAL JOINT ORIENTATION CIVILIAN CONFERENCE TOUR

Mr. BYRD of Virginia. Mr. President, while Congress was in recess last fall the Defense Department conducted its semiannual Joint Orientation Civilian Conference tour of major defense establishments in the United States.

Mr. Virginius Dabney, the distinguished editor of the Richmond (Va.) Times-Dispatch was among the 70-odd civilians attending the conference and making the tour.

Upon his return to Richmond, Mr. Dabney published his impressions in signed articles appearing in the Times-Dispatch on October 16, 18, 20, 21, and 23, 1960. They are informative, interesting, and reassuring.

Mr. Dabney is a former president of the American Society of Newspaper Editors, winner of the Pulitzer Prize, twice winner of the Sigma Delta Chi Award, and an author and lecturer of national reputation.

I think his views on our national defense posture should be made a part of the CONGRESSIONAL RECORD; and I ask unanimous consent that they be printed in the body of the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COAST-TO-COAST VISIT TO DEFENSE BASES VASTLY REASSURING—I

(By Virginius Dabney)

The writer returned recently from a 10-day coast-to-coast visit to Army, Navy, Marine, and Air Force installations. It was a vastly encouraging journey. The personnel of our Armed Forces from the top ranks to the lowest, is extremely good. The expertness with which officers and men handle modern weapons of great complexity is reassuring. Every American would profit from such a trip.

The Department of Defense offers an opportunity of this sort every 6 months to some 70 to 75 civilians from all parts of the United States. The journey just concluded was the most elaborate yet offered. Not more than half of all our generals and admirals on active duty have had a comparable opportunity to observe the various branches of the service in action, we were told.

Reeling taxpayers who fear that this trip was at their expense should relax. Everybody in the group paid his own expenses. It was emphasized that what we witnessed were normal training operations, and that these operations would have had to be staged, whether or not members of this Joint Orientation Civilian Conference were present.

The trip began at San Diego, Calif., where the great naval base was visited, along with the huge marine base at Camp Pendleton. One night was spent on the aircraft carrier *Kearsarge*, which engaged in simulated antisubmarine warfare 50 miles at sea. Then northward to Vandenberg Air Force Base, on the California coast, and the two adjacent naval bases at Point Arguello and Point Mugu. After viewing the Atlas, Titan, and Samos missiles, and the elaborate installations surrounding them, we flew to the North American Air Defense Command (Norad) at Colorado Springs. Here the Governments of

the United States and Canada conduct a far-flung operation involving radar and other devices to warn this continent of any oncoming missile or bombing attack.

Thence, to headquarters of the Strategic Air Command (SAC) near Omaha, Nebr., where there is an amazing complex of worldwide controls covering both bombing planes, armed with thermonuclear bombs, and intercontinental ballistic missiles with nuclear warheads, all poised and ready to strike, if word should ever come from Norad at Colorado Springs, or elsewhere, that an attack on the United States is on the way. Release of our nuclear bombs or missiles must be cleared by the Joint Chiefs of Staff in Washington and the President of the United States.

Next stop was the immensely impressive Infantry Training School at Fort Benning, Ga., which gave us a new concept of the role of modern infantry in war. The last leg of our flying trip was from Fort Benning to Washington, where we had a conference with Defense Secretary Thomas Gates and the Joint Chiefs of Staff.

Some cynical readers may surmise that we were given a lot of carefully prepared propaganda by the generals, admirals and others who briefed us, and that maybe we were just a gullible bunch of pushovers. But let it be said for the record that this group of civilians included a great many well-informed people who began the journey with an inquiring, even skeptical point of view. Among them were three college and university presidents, plus some of the foremost figures in America in steel, automobiles, aluminum, machine tools, utilities, insurance, banking, journalism, law, and so on.

Yet, if a single one of these 70-odd individuals finished the trip without an enhanced admiration for the men in our armed services and the job they are doing, I failed to find him. On the contrary, the unanimity was so great that it would have been difficult to have obtained such universal agreement from this group on any other subject. It was for all of us a truly memorable experience.

NAVY, MARINES "ON THE BALL" IN ANTISUB AND AMPHIBIOUS WARFARE—II

(By Virginius Dabney)

Antisubmarine operations, with submarines "attacking" our aircraft carrier through a screen of defending destroyers, planes, and helicopters, and heavy depth-bomb explosions and rocket firing, were fascinatingly realistic events on the program during the day and night we spent on the carrier *Kearsarge* off San Diego. This was the opening of a 10-day visit by 70 civilians to defense installations from coast to coast.

The *Kearsarge*, a 41,000-ton vessel commissioned in 1946 and named for the U.S.S. *Kearsarge* which sank the Confederate cruiser *Alabama* off the coast of France in 1864, is a unit of the 1st Fleet, commanded by Vice Adm. Charles Melson. Admiral Melson is a distinguished Richmonder and former Superintendent of the U.S. Naval Academy.

He was on board for these demonstrations, along with Rear Adm. R. L. Townsend, commander Carrier Division 17. Capt. P. W. Jackson was in direct command of the *Kearsarge*.

All these officers impressed us as dynamic, "on the ball" types, fully conversant with their duties. The *Kearsarge* is one of about nine carriers in the U.S. Navy which have been assigned the primary duty of antisubmarine warfare. All the others are attack carriers whose primary mission is to launch planes for attack against enemy coasts, troops, planes, or ships.

The antisubmarine maneuvers centering in the *Kearsarge* were executed in the Pacific, some 50 miles at sea. The carrier was screened by destroyers, while helicopters and rocket-firing planes circled overhead. The destroyers and destroyer escorts dropped depth bombs in attempting to kill the subs. These bombs, packing 250 pounds of TNT, sent geysers of water high into the air, and shudders through the steel hull of the *Kearsarge*, at least a quarter of a mile away. One could only imagine the destructive potential of a depth bomb with power equivalent to thousands of tons of TNT. It is hard to see how any submarine could survive such a concussion.

Another demonstration was that of jet flying from the carrier deck. There was also the firing of a Sidewinder air-to-air missile, which hit the target unerringly, and night flying, with deck takeoffs, landings, and rocket firing.

All these operations were carried out with great efficiency and dispatch, even though the ship was shrouded in fog a part of the time.

The great Camp Pendleton marine base, a short distance up the California coast, was our next objective As on board the *Kearsarge*, we were routed out of bed at 6 a.m. A bugler stationed in the hall of our barracks rent the air with reveille, and an excellent brass band at once began playing loudly under our windows.

A realistic amphibious assault by the marines was a fascinating feature of our visit. The landing force approached through the fog and the naval guns began bombarding the trenches and pillboxes of the defenders. The assaulting marines landed from amphibious craft which disgorged them on the beach.

The latest method of destroying one pillbox after another was demonstrated. First a white phosphorous bomb, thrown at the pillbox at close range, enveloped it in blinding white smoke. This virtually immobilized the defenders and prevented them from firing at the assaulting party. Under cover of this thick smoke, a marine would rush forward and plant a demolition bomb at the base of the pillbox. This would shake up the defenders still further. Then came the coup de grace—an assault on the pillbox with a flamethrower. The long tongue of searing, clinging fire effectively wiped out any remaining defenders.

A notable feature of the amphibious landing was the new concept of vertical envelopment, or assault by helicopter. The mobility of the amphibious ships—all having speeds in excess of 20 knots—also was impressive.

On a range at another part of Camp Pendleton, we witnessed an effective demonstration of marine firepower. It involved aircraft with rockets and napalm fire bombs, and firing by tanks, howitzers, and ontos (which last is a multibarreled tank-killing weapon). All showed great accuracy and precision.

The demonstrations at Camp Pendleton were under the able overall supervision of Gen. H. R. Paige, commanding general of the 1st Marine Division, and Vice Adm. Howard A. Yeager, commander, amphibious force, U.S. Pacific Fleet.

UNITED STATES LEADS SOVIETS IN SATELLITES BUT LAGS IN DEEP SPACE PROBES—III

(By Virginius Dabney)

The United States is making rapid progress in perfecting its intercontinental ballistic missiles, and has developed effective operational missiles in every category, both long and short range. Not only so, but in the launching of satellites, we now are clearly ahead of the Soviet Union, despite impressions to the contrary created by Russia's success in putting up its first sputnik. In the exploration of deep space, on the other hand, the Soviets are definitely ahead of us.

These conclusions are based on documented, official statements made to the 70 members of the Joint Civilian Orientation Conference which recently visited Army Navy, Marine, and Air Force installations from the Pacific to the Atlantic.

Many facts concerning this country's missile, satellite, and deep space capability were given us in a briefing by Rear Adm. Jack P. Monroe, range commander of the naval missile facility at Point Arguello, Calif. Admiral Monroe was concerned over the "amount of misinformation and the number of uninformed people who are discussing these matters." The admiral impressed us as articulate and informed.

He spoke of the "report that Russia has produced more large missiles than the United States, and is capable of producing such missiles at a faster rate." But he attached little importance to this, saying that "Russia has an entirely different set of military requirements," and "there is no reason for us to match Russia missile for missile." He added that the United States "has the greatest military capability the world has ever seen." In all this Admiral Monroe was speaking officially for the Pentagon.

We viewed the great Atlas, Titan, and Discoverer missiles on their launching pads at Point Arguello and at nearby Vandenberg Air Force Base. Although there have been a number of misfirings of these enormously complex mechanisms, they are being steadily perfected, and their accuracy is increasingly phenomenal, even at ranges of up to 6,000 miles.

Still more important is the upcoming Minuteman missile, which is expected to be the backbone of our striking force in the coming years. It is not yet operational, but is well ahead of schedule. Atlas and Titan have liquid fuel propellants, but Minuteman, with its solid propellant, promises significant advantages in terms of faster reaction, economy, mobility and ease of maintenance, handling, and storage.

General White, Air Force Chief of Staff, has said that "it will be entirely feasible to deploy Minuteman missiles on railroad cars—which would move at random over the Nation's vast rail network." Thus an enemy will have an almost impossible task in trying to knock out the Minuteman bases in a surprise attack. (A similar difficulty presents itself already to an enemy in the case of our nuclear submarines equipped with Polaris missiles. In addition, of course, we have bomber bases, equipped with nuclear bombs, and placed strategically around the rim of the Soviet Union.)

All this would seem to make improbable a surprise nuclear attack from the U.S.S.R. For it is a virtual certainty that if such an attack were mounted against us, the industrial heart of the Soviet Union would be laid waste immediately by our missiles and bombers. When the Minuteman is operational, this instant retaliatory blow will become even more of a certainty than it is today.

How do we stand vis-a-vis the Soviets with respect to satellite launchings? Admiral Monroe put it this way:

"Of the 27 U.S. shots, there are 13 still orbiting as I talk to you today, 7 of them alive and talking back to us. The Navy alone has more operating satellites in orbit than the rest of the world put together.

"How many payloads do the Soviets still have in orbit? One dead satellite orbiting the Earth and one dead satellite orbiting the Sun. From our satellites, the United States has extracted many, many times the scientific information from space that the Soviets have."

There is also the impending development of an operational Samos satellite, designed for reconnaissance purposes, and counted on to replace such reconnaissance planes as the U–2. Samos, when ready, will be capable of photographing enemy bases, launching sites and industrial plants from heights far beyond the reach of rockets or ground artillery fire.

But if we are ahead of Russia in the production of efficient satellites, they are "clear-

ly ahead" of us in probing deep space. This, said Admiral Monroe, is due to their greater foresight. They began developing powerful boosters years before we did, with the result that we still cannot match their thrust.

"However," says the admiral, "this has no military significance. We have the Polaris and Atlas warheads with their capability of devastating a city with one hit, and equipped with boosters which will send them as far as we are ever likely to want to send them." He conceded "that greater booster capability could be used by us for the scientific investigation of space; to put a man on the moon; to examine the planets, etc."

Hardening of our missile bases is in process. This means, among other things, putting them underground, so that nothing short of a direct hit from a nuclear explosive could seriously damage them.

At Vandenberg Air Force Base, in charge of Maj. Gen. David Wade, commander of the First Missile Division, and former chief of staff of the Strategic Air Command, Atlases and Titans stood ready for launching. Already the Titan has been put underground. It stands in a silo 165 feet deep and 40 feet wide, with an intricate maze of steel and cables to elevate it to ground level for launching. The silo is covered by two huge steel and concrete doors, weighing 283 tons each. Here again, in the hardening of these missile bases, we have a great deterrent against a surprise Soviet attack.

Vandenberg Air Force Base is primarily a training base, but it also has the capability to launch. Purely operational bases for Atlas are situated in Nebraska, Wyoming, Kansas, Oklahoma, Texas, New Mexico, Washington, and New York. The Cape Canaveral base in Florida is solely for training, research and experiment.

The enormous complexity of these missiles explains why some of them fizzle on the launching pad or fail after launching. An Atlas has about 300,000 separate parts. Some 80,000 pairs of cables connect the Atlas blockhouse to the launching pad. The chances for a mechanical failure here are obviously great. Yet these colossal engines of destruction are being perfected steadily.

Norad and SAC on 24-Hour Alert for Possible Bomb Attack—IV

(By Virginius Dabney)

An astounding maze of electronically controlled maps and charts, dials and computers, with telephones reaching to the White House and the Pentagon, and planes poised with thermonuclear weapons on bases spread over the free world, are vital elements in the defense of the United States and Canada against surprise attack.

Instant reaction is called for by this carefully planned system of controls, set up at the North American Air Defense Command at Colorado Springs, and the Strategic Air Command near Omaha. These enormously intricate installations were visited by the writer and some 70 other civilians recently at the invitation of the Department of Defense.

Norad at Colorado Springs is the nerve center of the continental warning system against any oncoming nuclear weapon. SAC near Omaha is the place where the retaliatory thermonuclear offensive power of the entire Western World can be mobilized on a few minutes' notice. Once the White House and the Joint Chiefs of Staff gave clearance, missiles and bombs of incredibly destructive effect would rain down on any enemy.

The great objective, of course, is to strike back before that enemy could launch an effective surprise attack on us. Norad and SAC headquarters are on the alert 24 hours a day, 365 days a year. So are SAC's bombing crews, which stay near their planes, night and day, at U.S. bases on this continent and all over the globe, ready to take off instantly, their planes loaded with nuclear weapons.

SAC headquarters is in direct communication with some 80 bases. We saw a striking demonstration of this. Sitting at a single switchboard, an operator got immediate answers from such spots as Dahran in Saudi Arabia, Thule in Greenland, High Wycombe near Oxford, Torreon in Spain, and Guam. As soon as this SAC operator picked up the receiver and plugged in, his opposite number at a U.S. base thousands of miles away was answering. It showed what alertness and split-second timing we are getting in our defense setup. That, of course, is what we must get, if we are to survive.

Norad headquarters at Colorado Springs is not particularly impressive as a building. Unlike much of SAC near Omaha, Norad is above ground, and is apparently vulnerable to a bombing attack. The "hardening" of this facility by putting it underground seems desirable. Norad is ably commanded by Gen. Laurence S. Kuter, U.S. Air Force, with Air Marshal C. Roy Slemon, Royal Canadian Air Force, as deputy commander.

Both General Kuter and Marshal Slemon are acutely disturbed over what they think is inadequate speed in the development of an effective U.S. anti-missile missile. General Kuter puts it this way:

"The United States and Canada now stand completely naked against an attack by intercontinental ballistic missiles. The North American Air Defense Command has no defense against them; it has no way of even knowing that an ICBM with its load of mass destruction is coming, or where its cargo will be dumped. A solution to the problem is on its way, though. * * *"

General Kuter and Marshal Slemon both feel, however, that greater haste in getting such a solution is needed. They are deeply convinced that an anti-missile missile, "either the Nike-Zeus or a concept like it," is vitally required. They fear that the Soviets will develop such a defense missile first. Then, relying on it to keep our missiles from reaching them, they may think an all-out thermonuclear attack on us is relatively safe—and launch it.

Norad's principal warning system consists at present of a 70,000-foot high wall of radar screens far to the north, designed to tell us if enemy bombers—not missiles—are approaching. There are three lines of radar in this system: (1) The distant early warning line (DEW), stretching across the top of the continent in the Canadian Arctic and Alaska; (2) the mid-Canada line, 600 miles to the south; (3) the pinetree system, crossing the continent on both sides of the United States-Canadian border.

A warning system designed to pick up missiles is, however, under construction. This ballistic missile early warning system (BMEWS) will have long-range radar beams fanning out over the polar regions to identify the tracks of missiles soon after they are fired. The first of these stations, with radars the size of football fields and capable of detecting a missile at a distance of 3,000 miles, is scheduled to go into operation this fall at Thule, Greenland. Two others, in Alaska and England, are being rushed to completion.

Gen. Thomas S. Power, the virile commander in chief of SAC, is acutely aware of his huge responsibility in having at his fingertips the launching—subject to White House approval—of what is perhaps the most terrible concentration of destructive force the world has ever seen. "Peace Is Our Mission," the motto of SAC, is inscribed on SAC literature. Yet the war potential of this headquarters is enormous and awe-inspiring.

It is not necessarily true that we will wait for an enemy to strike first. A SAC colonel said recently that if we are certain that the enemy is going to attack us, we could try to beat him to the punch.

SAC headquarters is 45 feet underground, and if necessary, can be self-sustaining, with water, rations, and supplies sufficient for the duration. Alternate communication lines from SAC to points all over this and other countries have been set up, so that if one line is knocked out, another will immediately go into action.

Jet bombers and fighters stand poised on nearby Offutt Air Base, ready to go into instant action. The huge B–52 and B–58 bombers are so highly mechanized that whereas a B–47 has 17 crewmen, the more modern planes have only 6. The even bigger, faster, and more powerful B–70 will have only three.

But it costs nearly $1.5 million to train a B–52 commander, and the plane itself is immensely expensive. General Power is greatly worried over how to retain more of his skilled personnel. Between 1954 and 1959, no fewer than 145,670 airmen at SAC separated from the service. Replacement costs for the loss of training and experience of these men is put at the staggering figure of $2.8 billion.

Those in charge at SAC are hopeful that Congress can be persuaded to make pay and living conditions in the Air Force more attractive, so that more men will make their careers in that branch of the service. This, they argue, would save money, and would also bring increased efficiency.

Alert Benning Infantry School Typifies Effective U.S. Defense—V

(By Virginius Dabney)

The sharp, alert handling of this country's defense capabilities in all branches of the service was nowhere more strikingly evident than at the U.S. Army Infantry Training School at Fort Benning, Ga.

Many in our group of 70 traveling civilians approached Fort Benning with a feeling that seeing the infantry in action probably would be somewhat anticlimactic, after the excitement of viewing antisubmarine warfare in the Pacific, a marine amphibious landing on that same ocean, intercontinental ballistic missiles poised on their launching pads in California, jet planes roaring past at far beyond the speed of sound, and the intricate maze of dials, computing machines and other electronic devices at Colorado Springs, and Omaha, designed to warn the country of any impending attack, and, if, necessary, to mount a paralyzing, pulverizing retaliatory blow.

But there was nothing anticlimactic about the infantry at Fort Benning. On the contrary, its manifold activities were a revelation.

Anybody who thinks of the U.S. infantry soldier of today as an old-fashioned foot-slogger engaged in humdrum duties of the sort assigned to infantrymen in World War I, or earlier, had better think again.

The infantryman of 1960 is a fast-moving, well-trained, "on the ball' fighter, often motorized, packing tremendous firepower, and operating in close liaison with the U.S. Air Force.

We saw numerous split-second demonstrations of these operations, in which individuals and units exhibited astonishing marksmanship with pistols, automatic rifles and artillery; demonstrated adeptness in the use of grenades and flamethrowers, and showed ability to lay down barrages accurately on distant enemy terrain.

We witnessed the blastoff of the Honest John missile, which roared out of sight beyond the horizon, propelled by a jet of orange flame, and the smaller Little John rocket. The infantry has a whole arsenal of effective and accurate rockets and missiles which includes the Redeye, Lacrosse, Hawk, Pershing, Davy Crockett, and Corporal. Fitted with nuclear warheads they can be tremendously destructive against enemy tanks, aircraft, or ground forces.

Fort Benning is also noteworthy for its crack parachute units, which undergo rigid training. The parachutists put on a mass jump while we were there. It included not only scores of men but the parachuting down of quantities of supplies. Even jeeps and large trucks were set down from great heights. Truly the mobility of modern infantry is tremendous.

The rangers, among the toughest soldiers in the world, gave a demonstration. Like all rangers, these men had volunteered for a 2-month period of hardening, which includes 3 weeks in the Florida swamps and 3 more in the Georgia mountains, with most operations at night. The men go into the wilderness with practically no rations, and are ordered to subsist on what they can find. Tasty delicacies include rattlesnakes, alligators, acorns, and wood fungus.

Rangers learn hand-to-hand fighting, including judo. Two of them put on an exhibition for us in which one came at the other with a knife, a pistol, and a bayonet. In each case the unarmed ranger disarmed the other with a lightning maneuver which sent the weapon flying. The unarmed ranger, growling menacingly, then deftly hurled the other to the ground with a thud that would have cracked the bones of a less hardened citizen. All rangers are taught to growl when confronting an enemy. It is felt to distract said enemy and to throw him off balance psychologically—which it probably does.

Maj. Robert Rogers, the original ranger, who fought in the French and Indian War back in the 18th century, had as his first rule "Don't forget nothing." The rangers don't.

It is noteworthy that every graduate of West Point is required to complete the ranger course or the parachute course at Fort Benning. Most of them complete both. This affords an idea of the sort of sharply honed, dedicated leadership the U.S. Army enjoys today.

Congratulations are in order for the commanding general at Fort Benning, Maj. Gen. Hugh P. Harris. He runs one of this country's genuinely effective and impressive military installations.

From this infantry training school in Georgia we journeyed to Washington for a final conference at the Pentagon with Defense Secretary Thomas S. Gates and the Joint Chiefs of Staff.

It was heartening to see and hear these men in the flesh. Secretary Gates, General Lemnitzer of the Army, Admiral Burke of the Navy, General White of the Air Force, and General Shoup of the Marines were calm, confident, and realistic. They repeatedly emphasized their desire for peace, while stressing that the United States may be facing the greatest crisis in its history. They reiterated that this country is the most powerful on the globe, and that we must keep it that way, as the surest means of avoiding a nuclear war. Complacency, they said, is the last thing called for.

The almost incredible complexity and costliness of modern weapons is such that our defense budget is bound to be enormous for many years to come. The problem of balancing our needs against available funds, of trying to guess what the Russians will do, and to checkmate them, calls for intelligence, vision, and sound thinking.

Our group of 70 civilians from all parts of the country and from many businesses and professions, ended our 10-day tour with the feeling that we are getting this sort of leadership and planning in the top echelons of our Defense Establishment. The group also acquired a genuine admiration for the competence and courage of the officers in the lower military ranks, and for the noncoms and privates on whom effective execution depends.

All in all, it was a journey which greatly enhanced and strengthened our faith in the United States of America.

ENFORCEMENT OF 3-MINUTE RULE DURING MORNING HOUR

Mr. CASE of South Dakota. Mr. President, in connection with the move, which has the support of the leadership on both sides of the aisle, to develop and enforce a real 3-minute rule during the morning hour, it might be of interest to know that the problem of keeping time is one which has confronted the Senate for many years.

A few years ago, I happened to be in Athens, Greece. While there, I visited a museum where there were being shown some of the things which were being uncovered in excavations which were taking place. One of the articles was what was said to be a 6-minute sandglass which, when turned over, would require 6 minutes for emptying.

I suggest that in view of the desirability of the 3-minute rule during the morning hour, the appropriate officials of the Senate consider placing at the well of the Chamber a 3-minute sandglass, which will act and operate with complete impartiality, regardless of who may be addressing the Senate.

It occurs to me that it will be difficult for the clerks at the desk to watch the clock and be certain of when, exactly, 3 minutes have expired. In fact, the clocks in the Senate are not built on a minute-hand basis, but on a 5-minute basis. Furthermore, someone may momentarily divert the attention of the clerks or the parliamentarian for a question, and thus the matter of keeping time exactly on the 3-minute basis would be a little onerous. However, if we had a 3-minute sandglass, it would be visible, it would be absolutely impartial, and it would help to fortify the rule which the leadership on both sides of the aisle has sought to establish.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Is there further morning business? If not, morning business is closed.

Mr. CASE of South Dakota. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENGLE. Mr. President, I ask unanimous consent that further proceedings under the call be dispensed with.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Without objection, it is so ordered.

GENERAL QUESADA, ADMINISTRATOR OF FEDERAL AVIATION AGENCY

Mr. ENGLE. Mr. President, in March of 1959 I voted for the confirmation of Gen. E. R. Quesada as Administrator of the Federal Aviation Agency. I did so with great misgivings—which I expressed on the floor of the Senate on March 11, 1959. At that time I said:

> I hope that General Quesada will bear these facts in mind as the Administrator of the Federal Aviation Agency and that it will not be necessary for me at some later time to call attention to the misgivings I have stated here on the floor today.

On March 18, 1960, I returned to the floor of the Senate on the same subject. By this time my misgivings had blossomed into full-fledged distress, and I felt it was imperative that Congress take action to stop the unreasonable and arbitrary practices in the Federal Aviation Agency under the leadership of General Quesada. I saw no hope for a lessening of these practices so long as the head of the agency not only made the rule and charged pilots with violating them, but acted as judge, jury, and prosecutor. I was concerned not only about the strangulation of civil aviation in this country, but about the direct assault on our democratic processes.

Today I am once again here to bring this matter to the attention of my colleagues and to urge the new Congress to take immediate steps to cure the ills of our FAA operation. Only then can we return civil aviation to the healthy soil it needs for realizing its great potential.

At this point I should like to quote from testimony last month before the House Transportation and Aeronautics Subcommittee by Mr. J. R. Hartranft, Jr., president of the Aircraft Owners and Pilots Association. In the statement that follows I believe Mr. Hartranft does an excellent job of sizing up the situation:

> Unnecessary regulations, which make no contribution to safety in flight, overzealous enforcement resulting in part from a burgeoning bureaucracy's rapid expansion and lack of a system of meaningful appeals from actions taken by FAA in its quasi-judicial role are all factors which could spur a decline in this vital segment (general aviation) of civil aviation. Add to these the trend in FAA to place inspection and examination functions, formerly performed by private industry into the hands of its own employees * * * and the placement of professional military personnel in critical posts in this civilian agency—and you have a serious situation which can be corrected only by amending the Federal Aviation Act. While basically a few provisions in an otherwise sound law can be blamed for some of the excesses which we will place before you, the flaws in the act probably have been accentuated by an overly aggressive administration of that act during its first 2 years.

Before going any further I should like to say that if the FAA practices described by Mr. Hartranft served to achieve greater air safety—an objective General Quesada claims is the incentive for his method of operation—I would look upon

those practices with much more tolerance, and I think Mr. Hartranft would join me.

But let us look at the official accident statistics:

In the first year of General Quesada's operation of the Federal Aviation Agency:

Scheduled airlines had more accidents than in 1958, more passenger and crew fatalities than in 1958, more fatalities per plane mile flown than in 1958.

General aviation had more accidents than in 1958, more fatal accidents than in 1958, more fatalities than in 1958, more accidents, fatal accidents, and fatalities per plane-mile flown than in 1958.

In 1960 commercial airliners in this country flew 58,400,000 passengers a total of 393,039,700,000 miles. In so doing, there were 65 accidents in which 327 passengers and 37 crewmembers were killed. The number of deaths was 138 higher than in 1959, and 235 more than in 1958. The death rate, in terms of number of passengers killed per hundred million miles flown, was unofficially computed at 0.93, against an official 0.65 rate for 1959, and a 0.43 rate for 1958.

In other words, the accident rate in aviation has gone up in this country; and to General Quesada goes the unfortunate distinction of being in command of the Federal Aviation Agency when the first fatal midair collision occurred between two scheduled airliners while flying on instruments under positive control of the FAA's Air Traffic Control System.

Blame for our soaring accident rate certainly cannot be laid on any diminution of activities on the part of the Federal Aviation Agency. On the contrary, the record shows that during General Quesada's administration, enforcement activities more than doubled, rules and regulations mounted abundantly, and the size of the Federal Aviation Agency shot up and spread out in all directions.

For the fiscal year 1961 the FAA operation cost per airplane is estimated at $6,236. In 1954 it was estimated at $1,507 per airplane. In other words, it is anticipated it will be over five times as much for fiscal year 1961 as it was in 1954.

In 1958 it was $4,089 per airplane. These figures are based on total registered aircraft. If we have the estimated active aircraft—and those are the ones that are actually flying—the FAA cost for fiscal 1961 per airplane becomes $9,519.75. Let me say this covers all airplanes. It covers Piper Cubs and everything else. Some of them are not worth $9,519.75, but that is what it is costing the American taxpayer per airplane to have the Federal Government administer them at this time. This year the Federal Aviation Agency received an appropriation of more than $690 million. It employs more than 38,000 people. The Federal Government is thus spending an average of $6,000 per airplane to control the certification and operation of 108,000 aircraft, of which only 72,000 are in active operation. The FAA is employing therefore one-third of a man for each airplane.

As a matter of fact, the number of active aircraft is about 72,000; the FAA employs 38,000 persons. In other words, there is one person working in the FAA for every two airplanes that are active and registered in the United States today.

I have just given the Senate some of the black and white facts and figures. But for a real evaluation of the FAA operation it is equally important to take a look at the factors that cannot be put into a statistical column.

I refer to the attitudes and practices within the FAA that are throttling the development of civil aviation in this country. I refer to the kind of attitudes and practices one associates with a strong-armed police operation—where intimidation, fear, and harassment dominate the atmosphere. The chief victims of this operation are the pilots in general aviation. The general aviation fleet in this country comprises 96.2 percent of the total civil aircraft fleet, and those airplanes fly more hours each year than any other segment of the aviation industry. I wish to emphasize that. Most people think that the greatest amount of flying done in this country is done by the commercial airlines. That is not the case at all. The general aviation fleet, and that means airplanes owned by private persons and businesses, comprises 96.2 percent of the total civil aircraft fleet, and flies more hours than any other segment in aviation.

I am not overlooking the fact that scheduled airline pilots are also being victimized by FAA's unreasonable and arbitrary practices but in no way are they the targets of the contempt meted out to their country cousins—the thousands of small private pilots engaged in all kinds of business, agricultural, industrial, air taxi, and pleasure flying.

I should like to have a few of these general aviation pilots speak for themselves.

Last month in his testimony before the House Subcommittee on Transportation and Aeronautics, Mr. Robert E. Monroe, executive director of the National Aviation Trades Association, had this to say about the FAA's rulemaking activity:

> The quality of the Agency's rulemaking activity leaves much to be desired. The Agency presents little or no statistical or other evidence in presenting its proposals. Rules are rationalized from opinions or selected specific instances—not from a statistically valid body of knowledge. The facts and the evidence should be developed before rulemaking takes place—not afterward, as in the case of the medical regulations which have been the source of so much disagreement.
>
> In the matter of safety, the Civil Aeronautics Board advises us that they have no record of any accidents in which the pilot's physical condition was a causative factor. The CAB has provided a great number of causative factors of accidents. Yet the rulemaking activity of the FAA has paid little heed to the historical causes of accidents and has instead concentrated its attention upon rulemaking to eliminate pilots for not meeting questionable medical standards, reaching an arbitrary chronological age or just making it too inconvenient for the private pilot to go get a medical examination.
>
> Thus, despite the fact that there is no statistical evidence to substantiate the need for such a development, the Agency's Civil Air Surgeon has embarked upon an empire-building program to build medical centers * * * to provide free examinations to rejected applicants and to establish inspection personnel to investigate the medical profession to see if they are qualified to give a physical examination which is simpler than an insurance examination.
>
> Thus the Agency pursues research, rulemaking and empire-building programs for purposes insignificant to the cause of accidents, while major action on the causes of accidents goes wanting.

In a statement before the same House committee, Mr. Robert E. Trimble, a certificated pilot testifying as a private citizen, had this to say on the same subject:

> I am concerned about FAA's rule which forbids airlines to employ pilots over age 59 in their normal jobs. I object to the substance of the rule, the way it has become law and the effect it has had on the public mind to downgrade all older competent pilots.
>
> This has been accomplished by innuendo, by the use of edict, and without direct congressional consideration which I believe should be accorded a law of such import and precedent. I believe there has been an inappropriate use of facts, backed by the full prestige of a Government agency making an appeal to fear.

Concerning the unbridled authority of the FAA operation, Mr. Kay McMurray, executive administrator of the Airline Pilots Association, made this statement before the same House committee:

> In its understandable zeal to improve the air-traffic system, and the functioning of the Federal Aviation Agency for this purpose, the Congress in adopting the Federal Aviation Act of 1958 made the Administrator practically a one-man dictator in all civil aviation matters. The Administrator is required only to give notice under the Administrative Procedures Act and is then free to adopt practically any rule he desires, no matter how arbitrary. If he should decide, as he has, that his new rule is only an interpretation of an existing regulation, even the requirement of notice is not provided. In the present Administrator, Congress has truly created a one-man czar over the entire aviation industry and its personnel. He is empowered to legislate at will in the multitude of areas coming under the jurisdiction of the Agency. If the particular Administrator happens to be arbitrary, naive, or capricious, the citizens affected by his orders have no appeal except to the Federal courts or the Congress.

Early last year the Senate Aviation Subcommittee, of which I am a member held extensive hearings to review the operations under the Federal Aviation Act. The testimony we heard was replete with reports on the intolerable practices that pervade the FAA operation. Perhaps one of the most capricious rulings of the Agency was its action on the matter of near-miss reporting. I should like my colleagues to hear the following testimony before the Senate Aviation Subcommittee presented last year by the Airline Pilots Association:

> During our previous testimony before this committee, we reviewed our belief that the Administrator's action in eliminating the pilots reporting of near-misses had eliminated one of the best channels for the determination of deficiencies in the air traffic control system. * * * We believe that one of

the avenues whereby present ATC deficiencies can be determined is through this reporting medium and we again urge the Administrator to give consideration to some procedure whereby this valuable information will be made available to our regulatory agency and others.

The Administrator has stated that the pilot reporting of near-misses was discontinued because some pilots would make these reports simply to avoid punitive action. Such statement reveals a lack of knowledge on the part of the Administrator of the previous procedure utilized; it is also an impractical approach to safety problems. The fact is that a pilot report of a near-miss never protected him against punitive action, and a review of the previous CAB procedure on the subject will indicate that the pilot did not escape punitive proceedings purely as a result of his report. The Administrator should not become so obsessed with enforcement as to neglect serious air safety problems.

This irrational attitude on the part of General Quesada and his Agency in the matter of near-miss reporting is alone sufficient grounds for Congress to take immediate action.

Members of the aviation industry have made a number of constructive recommendations to correct the situation. But today I shall confine myself to what I believe are the primary essentials.

First, we must put at the helm of the Federal Aviation Agency a true public servant—a man who has a high regard and respect for civil authority and whose thinking is not dominated and influenced by his military background or military loyalties.

Second, we must return the democratic process to the Federal operation of civil aviation. We must amend the Federal Aviation Act to make certain that it contains a system of checks and balances that will make it impossible for one man to make the rules and to act also as judge, jury and prosecutor.

I am confident that these basic changes will help immeasurably to reestablish the spirit of cooperation and mutual trust that once existed between the Federal Government and the aviation industry. Only then can we hope to make air travel as safe as is humanly and technically possible.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield.

Mr. GOLDWATER. I am sorry I did not know my friend from California was going to speak upon this subject or I would have been in the Chamber to hear his entire address. I heard enough of it to know that it is a sort of an attack on General Quesada and his administration of the FAA.

I did hear the Senator from California discuss costs. I am one who has complained bitterly about the cost of government. I am not trying to excuse the per airplane cost or the total cost of the FAA, but does not the Senator agree that the new centers, the new radios, and the new radars—radars which we have never had before, by the way, for air navigation—contribute a great deal to the total cost?

Mr. ENGLE. I do not have any doubt about it, but what I am saying is, notwithstanding the fact that we have increased the number of employees in the Federal Aviation Agency to 38,000, which is one employee for every two airplanes engaged in active flying in this country, and notwithstanding the fact that today the Federal taxpayers are paying over $9,000 for every airplane which is licensed and active today, including the Piper Cubs which are sitting on the Washington-Virginia Airport, the accidents have increased. More people are being killed and there are more accidents. What I am saying is that we are simply not getting the job done.

Mr. GOLDWATER. I say to my friend from California that nobody deplores accidents in the air or anyplace else any more than I do, but I do not see any relationship between the cost and the increase in accidents. I suggest that so long as men fly in aircraft there are going to be accidents, deplorable as they are. That we have not had more accidents in this country in the air to me is one of the great miracles of our times.

I have been flying for 31 years, and I am utterly amazed that tens of thousands of people have not been killed in accidents. I am convinced that only the vigilance of the pilots, and the care they show for each other in the air and on the ground, has made it possible not to have more accidents.

There was a terrible accident in New York not long ago. Lord only knows if we will ever find out what caused that accident. I think certainly there was a human mistake involved someplace.

Can we prevent accidents in the future? As I say, so long as we have a man involved—or even without a man being responsible—I am afraid we will continue to have air accidents, no matter how hard anyone works to cut them down.

I suggest that if we tried to attach to automobiles the increased costs of the States resulting from the effort to cut down the automobile accident rate, we could say the same thing. Regardless of the amounts we have spent in the way of increasing our efforts to cut down automobile accidents, those accidents seem to increase.

I recall with great shame the fact that in my State of Arizona last year nearly 500 people were killed on the highways, regardless of the fact that we had never before spent as much money, time or manpower in the effort to get people to slow down and to be careful.

I had one other point, which is that the Senator was attacking General Quesada——

Mr. ENGLE. The administration of General Quesada. I have not attacked General Quesada personally. I never have. I do not intend to.

Mr. GOLDWATER. The Senator does not attack General Quesada?

Mr. ENGLE. I do not attack him personally. I think he is a charming gentleman. I certainly differ with his administration.

Mr. GOLDWATER. Then we will say General Quesada's administration.

Mr. ENGLE. I say that the accident rate has gone up. We fly more miles and more hours, but the accident rate has gone up, while the cost to the Federal Government per airplane for this program has gone up, and while the number of employees in the FAA, to cut down the accident rate, has increased to such a point that we have 38,000 employees in the Federal Aviation Agency, with only 72,000 active airplanes.

The rate has gone up. One would expect more accidents if one had more airplanes.

Mr. GOLDWATER. I wish to point out that the changes which General Quesada has made in the application of regulations, in my mind, have not had time yet to have any real effect. I think he has been in office only for a maximum of 2 years. It might not be that long. There were a number of years which had gone by with lax enforcement of the regulations, and again I say we should feel very fortunate that we have not had a much more severe accident rate than we have had, because prior to the time General Quesada took office there was no real enforcement of the air regulations. I hope whoever replaces him will not lean so far in the direction of not enforcing the regulations, simply to make a few pilots happy, so that we may endanger, again, more and more people. I have to disagree as to the statement that the private pilot has been abused.

I say to my friend that I disagreed with General Quesada when he would not allow any appeals from his decisions. I do not think we should have any administrative body in this country which is so arrogant and so high and mighty as to say, "There is no appeal."

Mr. ENGLE. How does the distinguished Senator like the 60-year-old provision? I know the Senator is a qualified jet pilot and is more than 50 years of age. I suspect he would be able to "herd" an airplane for quite a while yet.

Mr. GOLDWATER. I told the General one morning that I had to disagree with him in respect to the 60 years of age provision, because I was getting up to where I could scratch it. That is a personal matter.

We were talking about the private pilots. The 60 years of age provision does not apply to private pilots, but only commercial pilots.

Mr. ENGLE. That is true.

Mr. GOLDWATER. There are many interested private pilots who have said to me that there were abuses and that enforcement of regulations was long overdue.

I say also to my friend, who is a pilot, that in 31 years of flying I have never had anyone ask to see my license. As a matter of fact, if the Senator is interested to know the truth of the matter, I do not know where my license is. If some examiner were to ask me, as the examiners are supposed to, to produce a license, I would have to go through a lot of old boxes to find it.

In effect, all I needed to do in order to be able to fly in the last 31 years was to find somebody who was brave enough to give me time to solo in an airplane. Nobody has bothered to check up to see whether I am qualified or whether I can fly the aircraft which supposedly I fly around.

I have discussed this with the Senator before. In all of these years no one has

ever questioned whether I can fly on instruments. I know pilots by the dozens in this country who fly on instruments, who have not been authorized to do so and who get away with it. A lot of accidents may be caused by people trying to do things they are not qualified to do.

Mr. ENGLE. Will the Senator permit me to comment?

Mr. GOLDWATER. Yes.

Mr. ENGLE. General Quesada has not done anything about that. The Senator makes a good point. I got my private license in 1941, and I have never had a check ride, other than when I asked for one myself, or when I qualified for multiengine rating. I got a multiengine rating last summer, and I had to get it myself, because I had to fly the twin-engine airplane.

I have never been asked to go on a check ride. General Quesada is not dealing with those things. That is not what has upset the pilots.

Mr. GOLDWATER. If the Senator will allow me to interject, the program has been started. I will say that it is very hard to "ride herd" on tens of thousands of pilots, which is the number there are.

I do not say there should be such a tight enforcement; I merely point out the extreme laxity we did have.

Mr. ENGLE. Which we still have in that particular area.

Mr. GOLDWATER. One other area as to which there has been a great deal of complaint is the matter of the medical examinations. I know it is inconvenient for a person to go to a certain specified doctor instead of to his own doctor. The Senator and I both know this is not an involved physical examination. There is nothing difficult about it. On the other hand, I can recall the days when all I did was to pick up the telephone and say to my doctor, "My physical has run out. I need a new card." Over it would come to me. I could have had diabetes, I could have had a heart attack, I could have had any number of things happen to me. The doctor was not examining me, but merely, as the result of a telephone conversation, giving me my medical approval. In this process he might put a risk in the air.

I have disagreed with many private pilots in that regard. I think a qualified man in aviation medicine should look at these men.

Mr. ENGLE. The third-class physical examination I get as a private pilot is something that any general practitioner can give. The physician should not give a certificate on the basis of a telephone conversation. That is a violation of law, and no private pilot justifies that. But the private-pilot examination provides that, if the applicant can hear the whispered voice at 3 feet and has 20/30 vision, he can pass it. If the applicant is only fairly warm, he can get through.

What we object to is that special examiners are being employed, thus putting us to great expense, to pass a very simple examination that any country doctor can give. When we come into the commercial area, where we consider the licenses of commercial and transport pilots, we make no objection to special medical examinations. But we believe that for the average pilot, with such requirements as hearing the whispered voice at 3 feet and having eyes that can be corrected to a tolerance that is certainly easy for anyone to pass, it is perfectly ludicrous to require that an applicant travel 50 or 100 miles to get such a physical examination. We do not believe that is necessary. We believe it is unnecessary harassment.

But that is not the main objection that private pilots have to the Federal Aviation Agency today.

The private pilots complain about the FAA today because it has become a "cop" organization. I flew recently with a pilot from my hometown to San Francisco. The pilot was a good operator. He flies an Aereo Commander. He told me that he reported a near-miss. The FAA has been trying to find why collisions occur and asks for such reports. The first thing he knew he had the FAA all over him examining him as to whether or not he was wrong when a jet came off Hamilton Field and buzzed him. He did not like it, and he said, "From now on I will never report any more near-misses."

The pilots are put on the spot. The military aviation agency sent out word to all its pilots—and we have copies of the letter—that they should not report any more near-misses. The AOPA, the Aircraft Owners and Pilots Association, did the same thing. That is not the only thing they do.

We pilots do not like it because we no longer have a friend on the ground. We have a "cop" who sits down there getting ready to arrest us.

Coming into my hometown of Red Bluff, I report over Corning and say where I am and that I want the altimeter setting, the wind direction, and so forth. I am supposed to be flying at a certain altitude VFR on a particular heading. If I give my altitude as 3,000 feet, but do not say "descending, bango" they have a citation on me. That is the kind of thing the pilots confront. They are not dealing with an organization that helps them any more. If a pilot gets in the soup, or in bad weather or "on top" and needs help, he does not think he can call those people any more and get help. He knows that if he calls them, as soon as he lands on the ground, his license will be pulled. That is the objection to the FAA.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ENGLE. I am glad to yield.

Mr. GOLDWATER. I do not know how the Senator thinks we are going to cut down air accidents if we do not have someone playing the role of "cop" somewhere.

Mr. ENGLE. They have not been reduced to date.

Mr. GOLDWATER. I do not agree. Perhaps I am an exception. Perhaps people try to help me because I needed more help than others. But I have yet to experience any feeling that the man on the ground was not trying to help me. In fact, with the new system of reporting, and asking my position, I feel much safer than I used to without that system. I now know who is near me, in what direction he is going, and how fast he is traveling. As we move faster and faster in the air the human factor becomes more and more important. When we flew at 80 or 90 miles an hour it was not too important, but when we now fly at 400 to 600 miles an hour the human factor becomes extremely important, and we have more of an attempt on the ground to help the man in the air than we had before.

I have never experienced such help as we are able to get today with the equipment we have on the ground and the men operating it. I have the highest regard for the men who operate the control towers, the radio stations, and the control centers. There are many things that need to be done to improve them, but I must disagree with the Senator from California when he suggests that we should be free to go willy-nilly any place we want to go, on or near established airways.

Mr. ENGLE. I have not suggested such procedure.

Mr. GOLDWATER. The Senator is objecting to reporting his exact position, and whether he is going up or going down.

Mr. ENGLE. No, I was not objecting to that.

Mr. GOLDWATER. That requirement is a part of the air regulations.

Mr. ENGLE. I was not objecting to that requirement. I do not want words put in my mouth. I believe the pilot should so report. What I was objecting to were the technical charges of violations that are filed when a pilot leaves out the word "descending," or "climbing," or some other term that is wholly technical. Of course, when a pilot wants to land he ought to check in. One does that anyway for his own protection and for the information he needs to land on the ground safely. That is not the type of thing to which I object. I do not object to the positive control that is exercised today over the commercial airlines and on established routes. But I say that private pilots object to the kind of administration of General Quesada.

Mr. GOLDWATER. I am not surprised that the private pilot objects. I can remember the carefree days of flying when one jumped into his bird and off he went. No one, not even his wife, at times, knew where he was going. I do not think we can still follow those practices. I believe, frankly, we require more regulation in the air than we have been having for a private pilot, a commercial pilot, or a military pilot. I would not like to slide back into the lax days that we had before General Quesada's administration. If he has been abusive in certain areas, then I think the opposition party can certainly be careful in selecting a man to see that he does not have those particular areas in which he can be abusive. But I do not think he is abusive. While General Quesada is tough and hard, we had to have a tough and hard man, because we have for years developed aviation with a feeling that we could still use the air regulations of the 1910's and the 1920's to govern the operation of jet aircraft. I think the Senator would be the first to admit that the late improvements that have occurred in the past 4 years in airways and airways design, in the

establishment of altitudes, separation procedures, holding procedures, electronics, and the application of radar to all types of aircraft have considerably increased safety in the air.

Mr. ENGLE. It is not on the record—the safety record is worse.

Mr. GOLDWATER. If the Senator will let me finish, he will find I am agreeing with him. I do not care how many radars we install or how much electronic control we have. So long as a man is operating those devices, since man is not infallible, he will make mistakes, and the Senator knows as well as I do that approximately 94 percent of all aircraft accidents are attributable to pilot error, whether in connection with military, commercial, or private aircraft.

Mr. ENGLE. No, I do not.

Mr. GOLDWATER. That is the latest figure I have seen. It is in that neighborhood.

Mr. ENGLE. Of course, when a pilot is dead, the easiest thing on earth is to blame him. That is the way the problem is often handled. The pilot is not present to speak for himself. I am reminded of the statement of General Quesada the other day in talking about what happened in the recent TWA-United Air Lines collision, when he had no business talking about that accident.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ENGLE. Permit me to finish and then I shall yield. This is a point the pilots resent. Sure, lay it on the pilot. But there were three agencies involved in the accident in New York recently. First, there was the crew of the Constellation; second, there was the crew in the United Air Lines plane; third, there was the crew on the ground.

I said to Mr. Quesada, "You will have to explain what your people were doing. We did not give you radar in order to provide your people with ringside seats on midair collisions. When you observe two blips coming together on your radar, we expect you to do something about it and not sit there and say, "The two blips have disappeared. Now what has happened?"

It is easy to blame the pilots, since they are dead.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ENGLE. I yield.

Mr. GOLDWATER. I said at the outset I did not care to discuss the recent crash because I do not know anything about it and I do not think anybody else does, to tell the truth. But I state that approximately 94 percent of aircraft accidents are attributable to pilot error. The Senator from California has been flying long enough to have seen accidents that are plainly the result of pilot error. I could recite them by chapter and verse. There are instances of pilots flying in bad weather, which is bad judgment. There are instances of pilots flying equipment that is faulty and long overdue for inspection; and that is bad judgment. There are instances of pilots attempting to return to a field after an engine has quit. That is the most common cause of accidents. They know better. However, they say, "Oh, I am different. I can make it." The next fellow he is talking to is the Lord.

Mr. ENGLE. If he goes in that direction.

Mr. GOLDWATER. Well, I think they do. I do not believe anyone can fix the blame in an accident like the one the other night over New York.

Mr. ENGLE. I am not trying to fix the blame. General Quesada should not try to fix it either. It is not his responsibility. It is the responsibility of the CAB. He knows that.

Mr. GOLDWATER. My friend from California knows as well as I do that, much as we do not like to say it, accidents will occur in the air, just as they will occur on the ground. In my opinion it is much simpler to avoid an automobile accident than it is to avoid an airplane accident. However, we seem to be blind to the fact that more people are hurt and killed on the highways than in the air. In fact, more people are killed in bathtubs every year than in any other way or any other kind of accident.

Mr. ENGLE. But we do not regulate bathtubs, and we do not set up a Federal agency that costs $790 million a year to regulate the use of bathtubs.

Mr. GOLDWATER. It is about the only thing the Democrats have not thought of regulating. They will get to it, I am sure.

Mr. ENGLE. The Republicans have been running the show for the last 8 years.

Mr. GOLDWATER. If we have laws and regulations, and do not enforce them, we should take them off. I will close—because I know my friend from California is in a hurry to get away—by saying that of course the private pilots are unhappy. They have been complaining to me. They give me the devil because they know I have been sticking up for General Quesada. One of the vice presidents of my company sends me very bitter letters from time to time. If he could do so, he would take my license and hide it somewhere, so I could never fly, because I have stuck up for Quesada.

A type of man like General Quesada has been long overdue. It is necessary to be tough about regulation. It is not wise to let the pilots do anything they want to do in the air. If that is not attended to we will not get the kind of safety in the air that both the Senator from California and I look forward to.

Mr. ENGLE. I thank the Senator for his contribution. I believe that he should very carefully listen to his partner, and he should listen very carefully to the pilots, and also to the members of the Aircraft Owners and Pilots Association, and other flying organizations. The Flying Farmers, the Executive Pilots Association, the Aircraft Owners and Pilots Association, all take the same attitude I have taken here today. It may be possible that the Senator's position is wrong.

Mr. GOLDWATER. If the Senator will yield for one more moment, I should like to say that I am a member of the AOPA, but I disagree with their approach to this subject. I have listened to commercial pilots and private pilots on this question. I hardly ever fly across the country that I am not invited into the cockpit to listen to an effort to pin General Quesada's ears back.

That will not change my view. What we need is strict enforcement of air regulations, just as we need strict enforcement of traffic laws on the ground. I do not want us to get into the position of having a weak application of our air regulations. That is my whole point.

Mr. ENGLE. We do not object to strong enforcement of fair regulations. We just do not want to be regulated out of the air; that is all.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. ENGLE. I yield.

Mr. CHAVEZ. I have known Elwood Quesada longer than the Senator from Arizona or the Senator from California has known him. I believe that what the Senator from Arizona has said is correct. I am not talking about that. I am talking about something else entirely.

The State of the Senator from California did not go for Kennedy in the election, it is true. Washington, Idaho, Montana, and the rest of those States did not go for Kennedy. New Mexico did. I like Elwood Quesada very much. The fact is that Arizona, California, Idaho, Montana, did not go for Kennedy, and they all got something. Poor New Mexico, which went for Kennedy, and was responsible for Texas going for Kennedy, did not get a thing. I am trying to make this statement. Believe it or not, we will see about it.

NATION PERILED BY LACK OF HIGHER EDUCATION OPPORTUNITY FOR YOUTH OF AMERICA

Mr. YARBOROUGH. Mr. President, while Congress was in adjournment last fall, it was my privilege to visit several of our major universities and colleges in Texas and in other States. On many occasions, I made it a point to ask college administrators, professors, and students about their experience with the National Defense Education Act of 1958. As one of the cosponsors of the measure, I have been keenly interested in following this program.

In all of my inquiry, I turned up only one major complaint about the National Defense Education Act program. That complaint was that the program simply is not nearly big enough to meet the need. I heard that complaint many, many times.

That is a justified complaint. I thoroughly concur in it. I believe that we ought to have scholarships established under the National Defense Education Act for the benefit of undergraduate students as well as scholarships for graduate students.

For that reason, I was particularly pleased to note that a panel of 20 of the Nation's most distinguished educators has recommended widescale expansion and 5-year extension of the National Defense Education Act.

Among those who signed the report were James B. Conant, president emeritus of Harvard University; Dean J. Douglas Brown, of Princeton University; Prof. Willis E. Dugan, of the University

of Minnesota; and from my State, Texas Commissioner of Education J. W. Edgar.

A portion of the report reads:

Basic to our consideration of the National Defense Education Act of 1958 is our belief that the Federal Government has an obligation to help identify and bring to fruition the full potential of every youth. Further, it is our belief that the failure to do this will imperil not only the individual, but the Nation and the free world.

In that connection I wish to point out that of the young people whose aptitude tests show they could go to college and assimilate a college education, not only for their own benefit, but could do it rapidly enough to represent a gain to our economy and our economic system, only 50 percent actually go to college.

One of the major recommendations of the panel is that a $100 million Federal scholarship program should be set up over the next 4 years.

The loan program under the present act is too little and almost too late. The colleges have dozens of applications for each loan that they can make to needed students.

From what I have found from inquiry on this matter, I am in basic agreement with the panel and many other Senators that the National Defense Education Act of 1958 should be substantially enlarged. As a nation, we are wasting our most valuable natural resource when we continue to fail to develop the brainpower and skill of our young people to the maximum. It is a waste we cannot afford.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD an article by Mr. Erwin Knoll, from the January 13, 1961, edition of the Washington Post, entitled "Educators Urge More U.S. Aid."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EDUCATORS URGE MORE U.S. AID

(By Erwin Knoll)

A massive expansion and 5-year extension of the National Defense Education Act of 1958 were recommended yesterday by a panel of 20 leading educators.

They urged retention of every school-aid program now authorized by the act, inclusion of a substantial Federal scholarship program and addition of English language instruction to the subject fields the act is designed to strengthen.

The act, which expires June 30, 1962, was passed by Congress in the aftermath of the first Soviet satellite launching. It provides Federal funds to bolster instruction in mathematics, science, and modern foreign languages, and authorizes Federal loans to undergraduate students, graduate fellowships and aid for vocational training.

The educators' report was released yesterday by Arthur S. Flemming, Secretary of Health, Education, and Welfare, who said he was in agreement with their recommendations.

"Basic to our consideration of the National Defense Education Act," the educators added, "is our belief that the Federal Government has an obligation to help identify and bring to fruition the full potential of every youth. Further, it is our belief that failure to do this will imperil not only the individual, but the Nation and the free world."

One of the panelists, the Right Reverend Monsignor Frederick G. Hochwalt, executive secretary of the National Catholic Educational Association, said he could not agree at this time to any increased Federal support for education beyond the specific recommendations in the report.

The educators were divided on whether a Federal scholarship program should be administered by the States or by institutions of higher learning, but they agreed that such a program should provide an initial amount of $25 million, increasing to a total of $100 million in the next 4 years.

Individual grants of up to $1,000 would be based on merit and need, with an additional $500 going to the institution in which the recipient is enrolled.

The educators proposed establishment of the student loan program on a revolving fund basis, doubling of the $250,000 ceiling now in effect for Federal loans at a single institution, extension of loans to students in 2-year technical institute programs, repeal of the loyalty disclaimer affidavit which has been widely criticized by colleges, and extension to all school and college teachers of the loan forgiveness provision now applied only to public schoolteachers.

The report called for authorization of additional graduate fellowships, extension to elementary schools and colleges of programs now designed to strengthen guidance and counseling in secondary schools and doubling of funds now authorized for research into such developments as educational television.

A stinging minority report was issued by Arthur Bestor, professor of history at the University of Illinois, who wrote:

"Committees, I discover, will always agree to spend more money, whether or not they agree on anything else. I cannot conscientiously subscribe to a report like the present that refuses to discriminate the conspicuously valuable program from the comparatively worthless one, and devoutly pray Congress to make its sun to rise on the evil and the good alike."

Bestor proposed limiting funds to three areas: (1) Student aid in the form of loans, scholarships, and fellowships; (2) selective aid for academic facilities only, leaving it to local communities to pay the full cost of the frills to which they may be addicted; and, (3) establishment of a series of national institutes in various subject fields to revise curriculum and bring the schools into direct touch again with the active world of science and scholarship.

Signers of the majority report included New York State Commissioner of Education James E. Allen, Jr.; President Louis T. Benezet, of Colorado College; Dean J. Douglas Brown, of Princeton University; James B. Conant, president emeritus of Harvard University; John E. Cosgrove, assistant director of education, AFL–CIO; Prof. Willis E. Dugan, of the University of Minnesota; Texas Commissioner of Education J. W. Edgar; Lynn A. Emerson, educational consultant.

Also, School Superintendent Martin Essex, of Akron, Ohio; Marion B. Folson, former Secretary of Health, Education, and Welfare; President Alfred M. Gruenther, of the American Red Cross; Monsignor Hochwalt; Devereux C. Josephs, former Chairman of the President's Commission on Education Beyond the High School; Dean R. M. Lumiansky, of Tulane University; Lorimer D. Milton, chairman of the Howard University Board of Trustees; President Anne G. Pannell, of Sweet Briar College; President A. L. Sachar, of Brandeis University; Ruth A. Stout, former president of the National Education Association, and Vice Chancellor E. W. Strong, of the University of California.

VOICE OF AMERICA NEEDS IMMEDIATE STRENGTHENING

Mr. YARBOROUGH. Mr. President, only last Monday I urged that we make an immediate reappraisal of our Voice of America and other public information programs directed to Cuba and Latin America.

Since then two highly significant reports concerning America's startling shortcomings in the world information field have come to my attention.

The first is from a Methodist missionary, Rev. H. T. Maclin, who recently returned from the Congo. One of Texas' best known and most able editors, Mr. H. M. Baggarly of the Tulia Herald, published this account of Rev. Maclin's report:

He said that we Americans, primarily through missionary activity, have done a good job in teaching the Africans to read. But after that job was accomplished, we gave them nothing to read. Instead the Russians are flooding the country with interesting reading material.

The Russians are beaming 480 hours of radio programs each week to the Congo in five different dialects simultaneously—almost around the clock. The people have small battery operated radios which pick up these broadcasts.

Meanwhile, the Voice of America beams two hours of programs a week to the Congo—all in French.

But Mr. President, we have no broadcasts in the native languages, which almost all the people speak.

The missionary said he not only predicts the triumph of communism in the battle for the minds of the Congolese—he will guarantee it.

The Voice of America is doing little more in Cuba and Central America.

Mr. President, many Senators must have read the article written by Murrey Marder and published in the Washington Post of January 12, 1961, concerning the report of President Eisenhower's Committee on Information Activities Abroad. Mr. Marder said:

The report includes some of the most sweeping recommendations—and some of the bluntest admissions of shortcomings—ever made in the information field with Government participation.

Mr. President, there can be no denying that one of the most powerful and deadly weapons in the cold war arsenal is truth. Unfortunately, Communist lies and propaganda in overwhelming mass dissemination quantities can be powerful, too, particularly where truth is not told so often or so emphatically.

For us, a nation actively working for peace and working to avoid a shooting war, and actively engaged in a cold war, it seems to me dangerous and foolhardy that the administration has failed to give us the informational leadership to keep this vital phase of our national strength at least on par with the enemies of the free world.

Mr. President, we Americans are supposed to be the best salesmen in the world. We should not simply fight for parity; in distribution of information with the Communist world; we should outdo our opponents in getting the truth to the peoples of the world, so that they may know the truth, and by comparing it with the falsehoods they get from the other side, learn the values of freedom.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Vast Expansion of USIA Activities Abroad Urged in Report to President," written by Murrey

Marder and published in the Washington Post of January 12, 1961.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GAPS IN AFRICA AND AMERICAS CITED—VAST EXPANSION OF USIA ACTIVITIES ABROAD URGED IN REPORT TO PRESIDENT

(By Murrey Marder)

A bold surge forward in the size and concept of the task required to project the U.S. image to a world in ferment was recommended yesterday by a White House study group.

"Infinite possibilities for constructive change and equally great potentialities of danger" loom ahead in this decade, said President Eisenhower's Committee on Information Activities Abroad.

Former Assistant Secretary of Defense Mansfield D. Sprague headed the nine-man committee of Government policymakers and outsiders. They spent 9 months studying the operation of all U.S. oversea information work, plus the psychological impact abroad of its diplomatic, economic, military, and scientific programs.

Concrete, dramatic, and timely action was urged to overcome admittedly huge gaps in U.S. information activities especially in Asia, Africa, and Latin America.

The report includes some of the most sweeping recommendations—and some of the bluntest admissions of shortcomings—ever made in the information field with Government participation. They come, ironically, in the dying hours of the Eisenhower administration. Some of them mesh with—and even exceed—proposals being considered by the incoming Kennedy administration.

While the report comes from an outgoing administration, two of the committee members will continue to serve in the new administration: CIA Director Allen W. Dulles and Under Secretary of State Livingston T. Merchant, who is slated for another foreign policy post.

This is likely to give the report more stature than "just another study" by an administration in eclipse and could help stimulate bipartisan action on Capitol Hill.

In language partially cushioned in kindness to the current administration, the report nevertheless finds, in effect, that the United States must seize itself by the scruff of the neck and intensify its efforts.

Among its findings:

"The scale of the total U.S. information effort will have to be progressively expanded for some time to come. There is urgent need for substantial increases in the critical areas of Africa and Latin America."

"In Africa * * * we lack basic knowledge of the processes by which information and ideas are communicated * * * we lack sufficient information specialists * * * we lack contacts.

"In Latin America the immediate outlook is more disturbing than promising * * * greater efforts are needed.

"Communist China presents a baffling and threatening problem for official information activity.

"We are now in a period when the mission and style of diplomacy is changing * * * The prospect is for a period of protracted nonmilitary conflict between the free world and the Communist system" which "will reach into every portion of the globe." The outcome will depend considerably on the degree to which "we are able to influence the attitudes of people."

Among correctives proposed:

"A new approach in developing a major program of assistance to educational development abroad." This might include assistance "in building and equipping model schools, laboratories, and libraries abroad" and regional institutes and training centers, as symbols of American help.

The possible development of "large mobile training centers to provide basic skills in health, agriculture, and mechanical trades to thousands of trainees at a time." Another suggestion was opportunity scholarships for education, to be awarded in open competition to young people of various countries.

Without mentioning President-elect Kennedy's plan for a peace corps of Americans to work abroad, the report similarly suggested a "program of training for young Americans to work abroad in performing such tasks as school teaching and assisting in village development."

Expansion of exchange of persons programs was urged, with training specially tailored to students or leaders brought here for study, plus a "nationwide system for hospitality to foreign visitors."

Possible creation of "a new quasi-independent foundation for international educational development to give voice and leadership to the broad program." Sprague said this envisions something like the National Science Foundation in which Government representatives, educators, and scientists could join.

Within the Government, creation of a National Security Institute, preferably under the National Security Council, was advocated to provide high-level training for the interrelated aspects of the present world struggle—economic, diplomatic, information—and military agencies.

"Our diplomacy * * * increasingly must give greater emphasis to the factor of public opinion in the handling of major conferences and negotiations, in the selection and training of members of the Foreign Service and in our treatment of foreign visitors."

Continuance of the Operations Coordinating Board of the National Security Council, to gear in all Government work in these fields, was strongly urged. This was obviously aimed at a known tendency in the incoming Kennedy administration to cut down on the layers of NSC organization; the Senate Subcommittee on National Policy has advocated lopping off the OCB.

President Eisenhower, in an exchange of letters with Committee Chairman Sprague, said he was "in full and instant accord" with "much of the report" and "a great many of its conclusions and recommendations." He said he has asked the Departments concerned to begin studying this document of exceptional value.

The President said he shared the committee's view about information needs in Africa and Latin America, and called the Government training ideas "worthy of serious attention."

Programs of educational development, he said, could prove to be the most meaningful of all, but he cautioned—as did two of the committee members in expressing reservations—that these should be "well defined in scope and timing * * *."

No price tag of any kind was put on the barrage of ideas in the report.

The 19-page document made public is only a portion—Sprague said about 40 percent—of the full study made for the White House. The remainder will stay classified for reasons of security and sensitivities of Allied countries, said Sprague, but the "guts of the report," he added, "is public."

Sprague, in contrast to news reports during the recent presidential campaign—when this document was not yet in finished form—said, "We did not consider it part of our job to determine the status of U.S. prestige in any part of the world."

The group, however, did make use, he said, of a U.S. Information Agency study of prestige after the Soviet launching of Sputnik I.

The current report itself found:

"Without question the launching of the first sputnik gave the Soviet Union a psychological triumph which has profoundly affected its image as a technically advanced nation, and as a great military power."

This feat in one branch of technology was systematically exploited with considerable success by the Russians, the report said, "as evidence of the dynamism of the entire Soviet system."

The United States continues to have "overall superiority in science and technology," the report said, but because of widespread belief in a Soviet lead it may take "some revolutionary scientific breakthrough to reestablish the degree of American technological prestige."

In addition to Sprague, Dulles, and Merchant, members of the committee included George V. Allen, who recently resigned as USIA Director; Gordon Gray, Special Assistant to the Preisdent for National Security Affairs; John N. Irwin II, Assistant Secretary of Defense for International Security Affairs; C. D. Jackson, former adviser on psychological warfare to President Eisenhower and now a top executive of Time, Inc.; Karl G. Harr, Jr., Special Assistant to the President for Security Operations Coordination, and Philip D. Reed, a member of the U.S. Advisory Committee on Information and Chairman of the Board of the Federal Reserve Bank of New York.

Gray and Merchant expressed reservations about the recommendations for foreign educational development, which Gray termed "imprecise," and both said they also were unconvinced that a proposal for a Foundation for International Educational Development was practical.

Executive director for the Sprague committee was Waldemar A. Nielsen, loaned by the Ford Foundation. Nielsen, a former Government information official, is one of several persons being considered for appointment as Assistant Secretary of State for Public Affairs in the Kennedy administration.

Mr. CHAVEZ. Mr. President, I know the sincerity of purpose, intellectual honesty, and integrity of the distinguished Senator from Texas. I am for him and what he proposes.

However, there has been a vacancy in a judgeship in Laredo, Tex., where, for the first time, there is as a candidate a man who is a graduate of the University of Texas. He was graduated at the same time Robert Anderson, who is now Secretary of the Treasury, was graduated. Why cannot that man be a U.S. judge?

Mr. YARBOROUGH. The distinguished senior Senator from New Mexico, who ranks fifth, I believe, among all the Members of this Senate in seniority, is probably better able to answer that inquiry, because of his long experience in this body, than I am. He knows there are many steps which must be taken and there are many persons who must be satisfied.

Mr. CHAVEZ. That is correct. I understand that, and I do not want to interfere.

Mr. YARBOROUGH. There is pending, from the present administration, the nomination of another man for this judgeship. It has never been reported by the Committee on the Judiciary. A Democratic President does not occupy the White House now.

Mr. CHAVEZ. The Senator has been speaking about the good will which we can develop in Latin America. Why not appoint, from Texas, a person who is able and who is of Latin American extraction? Why not appoint a man from Texas? Please believe me when I say that I am speaking in my own right. Jack Kennedy would not have been elected President unless the majority of the

voters in Texas and New Mexico had voted for him.

I maintain that I did as much in New Mexico and Texas as anyone else in behalf of his election. I am for him.

Someone from Idaho, who was against Kennedy, got a job. Someone from California, who did not vote for Kennedy, did not get a job. Persons from other States, who did not favor Kennedy, got jobs.

I am speaking in behalf of a Texas man, and a Mexican.

Mr. YARBOROUGH. I feel I am in the same category with the Senator from New Mexico.

Mr. CHAVEZ. All right; but there is in Laredo a man who as U.S. judge would be an honor to the Nation.

Mr. YARBOROUGH. I suggest to the distinguished Senator from New Mexico that a Democratic administration is not yet in power. Until that administration takes office, it cannot appoint judges.

Mr. CHAVEZ. That is correct. I simply say that I worked for the Senator in his campaign, and have no apologies whatsoever. I am still for the Senator, and shall be for him. But why cannot someone having a Mexican name, a graduate of the University of Texas, be a judge in Texas?

Mr. YARBOROUGH. Among our honored Latin citizens of Texas, many held public office, duly elected by the people of Texas. Mayor Raymond Telles, an American of Latin descent, is mayor of the fifth largest city in Texas, El Paso. State Senator Henry Gonzales is senator from Bexar County, which includes San Antonio, our third largest city, and was elected by the people of Texas.

And, let me make this very clear to the extremely able and distinguished Senator from New Mexico as well as all of my close friends among the American citizens of Latin descent in Texas, the senior Senator from Texas has not yet or never will oppose any qualified Texan or other American for office because he has as you say "a Mexican name." You may be sure that that applies not only to Judge Salinas, but to any man. In my books, there are no hyphenated-name citizens—they are all Americans.

We have State district judge after district judge of Latin ancestry with Spanish names sitting in every county that borders on the Rio Grande from Brownsville to Laredo, in Cameron, Hidalgo, Starr, and Webb Counties.

Mr. CHAVEZ. They are the ones who carried the State of Texas for Kennedy.

Mr. YARBOROUGH. In practically every single county bordering on the Rio Grande from the mouth of the Rio Grande to Laredo are judges of Latin ancestry. They are wonderful judges. I believe all of them, with possibly one exception, are graduates of the law school of the University of Texas, which is one of the great law schools of this country, and of which Supreme Court Justice Tom Clark is a graduate.

Mr. CHAVEZ. I am not recommending a graduate of the Catholic University of America or Georgetown University; I am recommending a graduate of Southern Methodist University, believe it or not.

Let me tell the Senator from Texas one thing. I know Texas. It gave a 200,000-vote majority to Eisenhower in 1956. One-third of the majority for Kennedy and JOHNSON in 1960 came from Corpus Christi.

Mr. YARBOROUGH. I thank the distinguished Senator from New Mexico for his great contribution to the victory of Kennedy and JOHNSON in Texas. The Senator came into Texas and campaigned for the Democratic ticket. He spoke at San Elizario, which dates back to the 17th century, having been founded in the 1600's. He is the only U.S. Senator who ever spoke there. He spoke at other places in Texas. We are grateful for his contribution to the Democratic victory in our State. It was a magnificent contribution.

Mr. CHAVEZ. But we have not got a break in having the proper persons appointed. I should like to have them get a break.

Please believe me when I speak about the judgeship at Laredo. I do not want to interfere with the prerogatives of the distinguished senior Senator from Texas or the distinguished junior Senator from Texas [Mr. BLAKLEY]; but I want the Senators from Texas to consider these persons.

When the senior Senator from Texas was first elected, I worked very hard for him among the Mexicans in the counties along the Rio Grande. I begged them to vote for the Senator. All I am asking now is that the Senator consider them. They are people, too.

Mr. YARBOROUGH. I express my thanks publicly to the distinguished senior Senator from New Mexico for his aid in the election race of 1957, when Senator Price Daniel left the Senate and I came to the Senate. The senior Senator from New Mexico was active on my behalf. Two Members of this body from other States were most generous, and went beyond convention and custom to aid me in that campaign. The senior Senator from New Mexico and a Senator from another State helped me materially in that race by sending telegrams to large segments of voters to whom they were well and favorably known, and with whom they had close and strong ties. I count that influence of the distinguished senior Senator from New Mexico as second to none. At times we have spoken in Texas on the same programs. He had very great influence in my State during the Kennedy campaign last fall; and I wish to assure him that the plea he is making today is not falling on deaf ears.

I do not wish to embarrass him by telling him now what pleas I have already made to the incoming administration; but I assure him that I take very deep personal interest in the welfare of the millions of American citizens of Spanish ancestry, because I have campaigned with them for 8 years and they are among my stanchest friends.

I wish to say now to the Senator from New Mexico that at this time I must leave the Chamber, to go to my office, because in my office there is now waiting to meet me a delegation headed by Mr. Albert Pena, of San Antonio, one of the Bexar County commissioners, who was responsible for the victory this year in Bexar County, whereas in the previous election we lost there. I am going immediately to my office, to meet with them.

Mr. CHAVEZ. Before the Senator leaves, I wish to say that from the Arkansas line to the New Mexico line, on the southern border, if it had not been for the support of American citizens of Spanish ancestry, the result of the election would have been quite different. Is that not true? I worked very hard in that campaign. I try to have citizens of Spanish ancestry, like myself, treated as American citizens; I do my utmost to have them treated properly, as they should be. I expect to participate in a similar campaign again.

Mr. YARBOROUGH. Mr. President, I wish to thank the distinguished senior Senator from New Mexico. Since he has brought up this political matter, I wish to thank the other Senators on this side of the aisle on behalf of the Democrats of Texas. Nineteen Democratic Senators came into Texas last fall and campaigned for the Democratic ticket; and that had a marked effect on the outcome of the election. I now see in the Chamber the distinguished junior Senator from Idaho [Mr. CHURCH], who has been in our State; and the distinguished junior Senator from New Mexico [Mr. ANDERSON], also campaigned in our State. He and I addressed a joint rally at San Antonio, Tex., composed principally of Spanish-name citizens of Latin extraction. We had a rally in Mission Park, San Antonio, the last week of the campaign. That rally was addressed by the distinguished junior Senator from New Mexico, and I had the privilege of making a short talk there. At that rally there were 10,000 persons with Spanish names; and it was the largest rally I saw in the campaign in Texas, except those addressed by the presidential and the vice presidential candidates themselves. So I am very grateful for the help which has come from our sister State.

Mr. CHAVEZ. Mr. President, will the Senator from Texas yield again to me?

Mr. YARBOROUGH. I yield.

Mr. CHAVEZ. I do not like to have references made to hyphenated American names, such as Irish-American, Jewish-American, or similar names. All Americans should be referred to as Americans, no more and no less. During the war the citizens of New Mexico wore the American uniform, and we do not like to have any of them designated as hyphenated Americans. Although all of my blood is Spanish, I wish to have all Americans referred to as Americans, no more and no less.

ORDER FOR ADJOURNMENT TO TUESDAY

Mr. MORSE. Mr. President, I ask unanimous consent that when I finish the remarks I am about to make, or when the Senator from New York [Mr. KEATING] finishes his remarks, if he speaks after I finish, the Senate stand in adjournment until next Tuesday, at 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPORTATION OF HAMISH MacKAY AND WILLIAM MACKIE

Mr. MORSE. Mr. President, I introduce, for appropriate reference, two private bills, which I ask unanimous consent to have printed in the RECORD.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. MORSE, were received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S. 420. A bill for the relief of Willia Niukkanen (also known as William Albert Mackie).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of State is authorized and directed, upon a request being made by Willia Niukkanen (also known as William Albert Mackie), to take such action, including the payment of all traveling expenses, as may be necessary to effect the immediate return to the United States of the said Willia Niukkanen.

SEC. 2. (a) For the purposes of the Immigration and Nationality Act, Willia Niukkanen shall, upon his return to the United States, have the same residence status as that which he had immediately prior to the commencement of deportation proceedings against him in 1952.

(b) From and after the date of enactment of this Act, Willia Niukkanen shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced.

S. 421. A bill for the relief of Hamish Scott MacKay.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of State is authorized and directed, upon a request being made by Hamish Scott MacKay, to take such action, including the payment of all traveling expenses, as may be necessary to effect the immediate return to the United States of the said Hamish Scott MacKay.

SEC. 2. (a) For the purposes of the Immigration and Nationality Act, Hamish Scott MacKay shall, upon his return to the United States, have the same residence status as that which he had immediately prior to the commencement of deportation proceedings against him in 1949.

(b) From and after the date of enactment of this Act, Hamish Scott MacKay shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced.

Mr. MORSE. Mr. President, few cases of individuals who have become involved with the various agencies of the Federal Government have aroused as much interest and protest in my State as has the deportation last November of two longtime Portland residents. Hamish MacKay and William Mackie.

When I introduced private bills on these two cases last year, I outlined the facts which led to the deportation action by the Immigration Service. These presentations appear in the CONGRESSIONAL RECORD of May 13 and May 24, 1960. Since then, the appeals of Mackie and MacKay to the U.S. Supreme Court have been denied, and Mackie has been sent to Finland and MacKay to Canada.

The Supreme Court decision was 5 to 4, with a brilliant dissenting opinion written by Mr. Justice Douglas and concurred in by three of his colleagues. During the last session of Congress I presented that dissenting opinion for inclusion in the RECORD when I introduced the bill seeking to stay the deportation of these two persons; and I shall refer to it later in this speech, when I call attention to the last paragraph of the dissenting opinion.

Of course, we need to remember that when we deal with deportation cases, we deal with administrative law procedure. We deal with a procedure which does not allow a jury trial. We need to keep in mind that these deportations were consummated without the deportees having the privilege of being judged by their peers in an American jury box. Therefore, the court review is always on the basis of the administrative act of an administrator of the Immigration Service.

These cases also involve a particular field of the law in which broad discretion is allowed an administrative officer. There has to be a showing that there was an abuse of discretion, or a capricious and arbitrary act on the part of the administrative officer, in order to get a court to reverse the finding of the administrative officer.

I think these two cases may help call the attention of the Congress of the United States to the desirability of changing our code in respect to cases such as come before the Immigration Service, to provide for a procedure that would entitle the "defendant"—and I put the word "defendant" in quotation marks, because, in effect, that is what these deportees are—to a jury trial for the passing of judgment in connection with the problem of finding facts. When we deal with cases such as these, there has to be a weighing of veracity. There has to be a consideration of the very subjective question, Who is lying? Who is telling the truth?

I take the position that an American jury is best qualified to pass on the question, after all the evidence is in, Does the preponderance of this evidence show that the individual in fact has been guilty of subversive conduct; that the individual in fact, for example, as in these particular cases it is charged, is a Communist? But that question needs to be covered in a subsequent bill, which I shall introduce later in this session of Congress, because I am convinced that there is a need for review of the procedures now applied by the U.S. Immigration Service.

I am satisfied that too frequently the U.S. Immigration Service is guilty of gross injustice in its course of conduct. As one who is a stanch believer in and defender of that precious safeguard in our constitutional system known as the system of checks and balances, I believe that the time has come when an effective check must be placed upon the Immigration Service in connection with its findings of fact.

I do not know of better proof of the desirability of such procedural reforms than the two cases which I shall now describe and discuss.

HISTORY OF MACKAY

In brief, the facts are these: Hamish MacKay was born near Calgary, Canada, in 1905. His father, James MacKay, was a native of Scotland, who had lived in North Dakota and became an American citizen by naturalization. His mother was a native-born American. They moved to Canada in 1903, and James MacKay became a Canadian citizen in 1905.

With his parents, Hamish MacKay came to the United States in 1924; he returned briefly to Canada; then came back to North Dakota for permanent residence in the United States in 1928. MacKay became a resident of Portland, Oreg., in the early 1930's, after having lived in Illinois, where he served in the National Guard.

The Immigration Service brought deportation proceedings against Hamish MacKay in 1949. It alleged that MacKay had been a member of an organization, association, society, or group that advises, advocates, or teaches the overthrow by force and violence of the U.S. Government, and that he was subject to deportation under the act of October 16, 1918—40 Stat. 1012, as amended.

After enactment of the Internal Security Act of 1950, proceedings were brought against MacKay under that act, too. Mr. MacKay has pursued his legal remedies through the Board of Immigration Appeals and the courts ever since, denying that he was active in the Communist Party, as charged by the Immigration Service. These activities were alleged to have occurred in the late 1930's.

Over the years, MacKay has followed a trade, raised a family, and participated in many community affairs in Portland. He is a carpenter; he is the father of two sons, one of whom served for 2 years in the U.S. Army and received an honorable discharge. His youngest son is still in high school in Portland. I understand that this year he was captain of his high school football team. MacKay obtained a divorce from his first wife on the grounds of abandonment, and received custody of their two children.

I digress to point out that the court, in that divorce action, had an opportunity to adjudge the parents. It had an opportunity to decide which of the two parents should receive custody of the two minor children. As the Presiding Officer and my other lawyer colleagues in the Senate know, in practice the children usually go to the mother, unless there is a very strong case that can be shown to the court why they should not go to the mother. I only want to point out what the record shows, that in this case the court assigned custody of the two minor children to the father.

Mr. MacKay has since remarried. His former wife was the Government's chief witness against him in the deportation case.

It is quite true that the courts, up to and including the U.S. Supreme Court, have upheld the action by the Immigration Service. But that does not mean that justice has been done in the case.

That does not mean the judgment of the Immigration Service is right on the merits; but, as I previously pointed out, it means that under the technicality of the laws alluded to, there was not any proof which satisfied the court that the Immigration Service was guilty of any abuse of discretion or guilty of an arbitrary and capricious act.

That is the MacKay case. Before I finish, I shall send to the desk for appropriate reference a bill which would seek to bring him back to the United States and to put him in the same status he enjoyed prior to his deportation.

HISTORY OF MACKIE

If anything, the deportation of the other individual, Mr. William Mackie, was even more unfortunate. Mackie was born in Finland in 1908 during a visit there by his parents, both of whom were American citizens. They were natives of Finland, and had returned there for a visit. The Mackie name in Finland had been Niukkanen, and it is that name by which William Albert Mackie was carried in the immigration files. The "m" in his first name was erroneously dropped, and it appears as "Willia Niukkanen."

He was in Finland only for a few months, then was brought back to the United States by his parents. When his parents went to Finland, interestingly enough, they had two very small children they took to Finland with them. Those children were born in the United States. This particular individual was born while his parents were visiting relatives in Finland. His parents stayed in Finland for about 10 months after the birth of the baby, and then brought him to the United States when he was 10 months old.

He has never seen Finland since. He does not speak Finnish. He has lived in this country during all the rest of his 58 years of life. He has now been deported to Finland. He knows of no relatives. He has no friends there. He does not speak the language. As I shall point out later in my speech, he is generally referred to in Finland today, in the cause celebre which the case has created not only in Oregon but also now in Finland, as the American refugee in Finland.

Mackie has lived most of his life in Portland, Oreg. One of his brothers was a civilian construction worker at Wake Island at the time of the Japanese attack in 1941. He was presumed lost at sea. Mackie himself served 2 years in the National Guard, and was called into service in 1940. He was discharged for reasons of his age; in 1942 he was again considered for military service, but was not accepted for medical reasons.

During the rest of World War II, Mackie worked in the shipyards of Washington and Oregon, and became a painting contractor in 1947. Two sisters and his father live in Portland. He has committed two petty offenses; in 1928 he was convicted of stealing a chicken at The Dalles, Oreg., and of possession of beer in Idaho during prohibition.

In 1952, the Immigration Service brought deportation proceedings against him on grounds that he had participated in Communist activities, and was a deportable alien for that reason. Mackie denies membership in the Communist party but did attend meetings which he thought were on unemployment. Even the Government witnesses agreed that there had been no discussion of violence or overthrow of the Government at those meetings, but only discussion of labor conditions, relief, and the like.

The decision of the U.S. Supreme Court last spring held that Mackie may be deported, and he was in fact sent to Finland last November. When I introduced a private bill on his behalf last year, I quoted extensively from the dissent of four Supreme Court judges. It concludes:

> A man who has lived here for every meaningful month of his entire life should not be sent into exile for acts which this record reveals were utterly devoid of any sinister implication.

Mr. President, suppose we consider this case in the worst possible light in which it could be put. I should like to have the case considered on the basis of the assumption, which the record would seem to clearly indicate would be a false assumption, that Mackie in fact is a Communist.

Should he have been deported to Finland? Should we have imposed him upon Finland? Should a man who was born in Finland, who was brought to the United States at the age of 10 months, be deported to Finland? Whatever he developed into, he developed while living in the United States. He is the product of his life in the United States.

If we take the worst possible hypothetical by way of a presumption in this case, Mr. President, Mackie is the product of the United States, not of Finland. That is why there is so much resentment in Finland about what we have done. That is why as a delegate on the U.S. delegation at the United Nations this last fall time and time again, as one protest after another reached the members of the Finnish delegation and members of the other Scandinavian delegations, I had to answer the question and the criticism, "Why did the United States deport to Finland a man who was the product of the United States?"

Assume for the moment he is a Communist. If he is a Communist, he became a Communist in America. If he is in any way dangerous, does someone seek to tell me we have reached the point in the United States that we lack the procedures and that we lack the administrative officers necessary to deal with such a person? He is our problem if he is in fact a Communist, which I am satisfied from the record he is not.

It has been my position, Mr. President, that the FBI, our own law enforcement agencies, ought to be able to keep tabs on one individual moving about in our midst, as to his course of conduct. If he participates in a course of conduct which is inimical to the security of the United States, we have laws already on the books to take care of him.

What I am pointing out is that we stand convicted before the world of a shocking example of inhumanity to man. I say from the Senate today to the American people that their Government cannot justify this shocking example of inhumanity to an individual who has lived his entire adult life in the United States, who has dependents, who owned his home and his automobile, and who participated in and contributed to the civic life of his community.

Of course, like all human beings he, too, has his frailties; and when one speaks out against the injustice that was done Mackie, it does not mean that he in any way condones the frailties of the individual concerned. But I am looking at the question from the standpoint of what is just, right, humane, and moral so far as my Government is concerned. I rise today to point out the justifiable criticism that we must expect if we continue this injustice. I protest the situation by urging that we proceed now to make amends, and make clear to the world that once the Congress of the United States is aware of such an example of inhumanity to another human being, we must seek to right the wrong. My proposed legislation would do so.

PROTESTS AGAINST DEPORTATIONS

The senior Senator from Oregon does not speak alone on this subject. Throughout my State there is solid public opinion support on the part of individuals and groups aware of the situation. In my State one Republican newspaper after another has written devastating editorials in criticism of the conduct of our Government in connection with this case. Those Republican editors in my judgment are unanswerably right, because this is a grave injustice.

A government never should consider itself so impersonal that it can permit this kind of personal injustice to continue without its being righted. I like to boast about the fact that in a democracy human values are always uppermost in the carrying out of the objective of a democratic form of government. Here is an instance of a great human value which in my judgment has been greatly wronged and besmirched by the Immigration Service as a result of this deportation.

Although this is a more dramatic case than the MacKay case—a deportation to Canada, our neighbor to the north—protest after protest has been issued in regard to our sending MacKay back to Canada.

They asked the question, "Why do you not take care of your own problem citizens? Why deport to us what may be a problem citizen for us to take care of, when even in the MacKay case also, whatever he became, he became what he is while living in the United States?"

We ought to recognize these cause-and-effect relationships. In this instance, too, we should put him under the strictest surveillance necessary, if in fact any proof can be shown that he is a security risk.

It is not an emotional argument that I make, but rather I bespeak a very deep conviction and dedication of my own. I happen to think that what we have done in both these cases is to be an immoral course of action, which I cannot reconcile with my church view, a course of action which as a Christian I

cannot reconcile with Christian teaching. As a religious man I say to the American people, "watch out for your liberties and your freedoms, if your Government ever starts to follow a public policy course of action in relation to men and women within our citizenry that cannot be squared with Christian teachings."

I have mentioned Christian teachings only because I happen to be a Christian. But I say to the followers of other faiths who believe in a Divine Being, who believe in a God, that this course of action on the part of the U.S. Government cannot be reconciled with the teaching of their religion, either.

I know what to expect when one raises his voice in protest against a course of action that has been taken against alleged Communists. But I have been smeared before. There will be those who, for partisan reasons, will try to read into my defense of these two deportees—a defense limited entirely to questions of procedure that was followed in connection with their deportation, and in regard to what I consider to be the inhumanity of their deportation—that I myself must be a pretty leftist fellow. That would not be the first time that was said about the Senator from Oregon.

However, as on all former occasions, it would likewise be without a scintilla of justification, because I yield to no man in the Senate or elsewhere in the country in my detestation and abhorrence of everything Communist. But I know that the way to beat the threat of communism is not to adopt police state methods ourselves.

This is an example of a police state method. This is Communist technique. We ought to eliminate it from the administration of justice in the United States. We ought to recognize the responsibility of our American society for the creation of whatever behavior patterns motivate these two deportees. We ought to recognize sociological causation so far as their behavior record is concerned, and we ought to determine what current activities they may be engaged in that might be subversive.

But we should not engage in cruel and inhuman punishment under a technicality of the law that permits the immigration authorities to deport such persons. Here is a chance for Government to show its humanity in individual cases, the kind of humanity that a Lincoln in individual cases time and time again manifested, to the everlasting thrill of Americans, as we have discovered on studying the history of the humanity of a Lincoln—the kind of humanity that has characterized great leaders of American history from the time this Republic was born.

It sometimes takes time. It takes constant repetition, more and more spreading of the facts, to make the Government and the people of the country aware of an injustice such as this.

I shall continue to plead with the Senate and with Congress and with the executive branch of the Government to right what I think is a shocking wrong that has been practiced under the administration of our existing immigration laws in connection with these two cases.

I think it can be said of the Mackie case, too, that while the deportation may be legal, it is not just. It was for that reason that I appealed last fall to President Eisenhower to exercise clemency in these two cases. I based my appeal first, on the cases themselves. There was no indication whatsoever that either man's presence in Portland, Oreg., was a threat to anyone.

That has been brought out in editorial after editorial by Republican editors in my State.

APPEAL FOR CLEMENCY

Each man had dependents he would have to leave behind; neither had friends, close relatives, or a way to make a living in the country to which he was to be sent. In Mackie's case, he did not even know the language.

It has always seemed to me that the institution of executive clemency was developed to provide justice in just such cases. There was nothing but a kind of national vindictiveness to be served by deporting Mackie and MacKay for activities of the depression years, a vindictiveness which serves no purpose and brings destruction upon two American families.

Let us look at the human factors involved. Let us place ourselves, in our imagination, for just a moment in either one or both of those households. Let us ponder the human feelings, the grief, the sadness, and the shock to the children and to the other members of their families. Does anyone mean to tell me that the cause of justice has been well served, or that the well-being of my country has been well served by producing great grief and sadness in these two homes, by deporting two breadwinners to places where they cannot earn their bread?

If we look at the human effect we cannot escape, in my judgment, the conclusion that this is not right. It certainly was not necessary. It was not necessary to deport them, because, as I said before, we already have on the statute books adequate legal restrictions to make certain that the security of our country would be protected from any misbehavior that these men might engage in, if we assume the worst.

A second reason why I thought the exercise of executive clemency was called for was the impact of the two cases upon our international standing. I wrote to Secretary of State Herter to this effect on October 25, 1960. After reviewing the facts, I told Secretary Herter: "If these men are deported, their deportations are going to play right into the hands of those who stir up Communist propaganda. We just cannot reconcile our sending them out of the country with our claim of fair and impartial justice for the individual in the United States. I believe that someone should see to it that the President's personal attention is called to these two cases and I feel that you, as Secretary of State, are the person to do this because of their impact on our foreign relations."

I ask unanimous consent that the full text of this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 25, 1960.

Hon. CHRISTIAN A. HERTER,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I have just returned from Oregon where I found a great deal of public criticism, both in the press and among leaders in the State, with respect to the proposed deportation actions of the Immigration and Naturalization Service concerning two residents of Oregon, William Mackie and Hamish MacKay.

These two cases represent a shocking example of inhumanity to man. After a careful study of the facts, I introduced the bill, S. 3543, on May 13, 1960, to terminate the deportation proceedings against Mackie. On May 24, 1960, I introduced a similar bill, S. 3587, on behalf of MacKay. Due to the lateness of the dates upon which these bills were introduced, the Senate Judiciary Committee did not have time to complete action on them.

The extremely harsh nature of the actions proposed by the Immigration and Naturalization Service in these cases becomes evident when we consider these facts: William Mackie was born in Finland of naturalized American citizens, who had returned to Finland for a short visit. Actually, Mackie spent only 2 or 3 months in Finland during his infancy and then was brought back to the United States. He does not speak the Finnish language and he has not been in Finland since he was an infant. Mackie attended grade school and high school in Portland, Oreg., and became a house painter by trade. He served in the U.S. Army in World War II and was given an honorable discharge. He married an American citizen and they have a son, who is captain of his football team in one of the Oregon schools. William Mackie is a law-abiding citizen, owns his own home and takes care of his parents.

Hamish MacKay was born in Canada and came to the United States with his parents for permanent residence in 1924. After returning to Canada for a brief period, MacKay returned to the United States in 1928 and in the early 1930's came to Portland, Oreg. He married an American citizen and has two sons. MacKay is a carpenter, and has clearly established that he is a law-abiding citizen.

Both men were guilty of some indiscretion in the 1930's in that they attended some Communist-front meetings, but they strongly contend that they are not Communists. In a dissenting opinion on Mackie's appeal to the U.S. Supreme Court, Justice Douglas observed that a man "should not be sent into exile for acts which this record reveals were utterly devoid of sinister implication."

In my opinion, the only thing that can save these men now is Executive clemency. I am satisfied, after reviewing the facts, that these are cases in which the President of the United States should take affirmative action to assure that justice is done. If these men are deported, their deportations are going to do us great harm in our foreign relations and will play right into the hands of those who stir up Communist propaganda. We just cannot reconcile our sending them out of the country with our claim of fair and impartial justice for the individual in the United States.

This is a matter that I would not bring to your attention if I did not think it is of serious importance. I believe that someone should see to it that the President's personal attention is called to these two cases and I feel that you, as Secretary of State, are the person to do this because of their impact on our foreign relations.

It is my hope that the President will take action to prevent a miscarriage of justice with respect to these Oregon residents.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, the reply of the State Department was in the negative. It took the position that the deportations would have no impact upon international relations. William Macomber, writing for the Secretary, said:

It is believed that the deportation of these two persons would have no significant impact on our foreign relations. The deportation proceedings in both of these cases are based on subversive activities of the persons involved. The Department of State does not consider, therefore, that it would be appropriate to approach the President in behalf of these men.

I believe it should have been for the President to decide whether or not it was appropriate for him to consider the cases. Here again I believe that he should have had called to his attention by the Secretary of State what I have described as these shocking examples of inhumanity to man which were practiced by our Government in these two cases.

So I say that the State Department was entirely wrong. It could not have been more in error about the effect of these cases on opinion abroad.

I ask unanimous consent that the text of the letter from Mr. Macomber be printed in the CONGRESSIONAL RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 1960.

The deportation of aliens is a matter coming entirely within the jurisdiction of the Immigration and Naturalization Service. Upon informal inquiry of the central office of that Service, it has been ascertained that Mr. MacKay applied for a suspension of deportation proceedings on the ground that he has 10 years of good behavior. This application was denied by the Board of Immigration Appeals and his case is now pending before the courts.

Mr. Mackie also made application for suspension of deportation on the basis of 10 years' good behavior. His application was denied by the Board of Immigration Appeals on the ground that there was no evidence of a clear break from his former political ideologies. Arrangements have been made several times for Mr. Mackie's deportation. However, each time his deportation has been held up by various court actions. He was last scheduled for deportation on Sunday, October 23. At the time he applied for a restraining order from the district court, but this was not granted. On October 25, Mr. Mackie submitted his case to the Honorable William O. Douglas, Associate Justice of the Supreme Court.

It is believed that the deportation of these two persons would have no significant impact on our foreign relations. The deportation proceedings in both of these cases are based on subversive activities of the persons involved. The Department of State does not consider, therefore, that it would be appropriate to approach the President in behalf of these men.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary
(For the Secretary of State).

ADVERSE REACTION ABROAD

Mr. MORSE. Mr. President, Scandinavian delegates at the United Nations were fully informed of the cases, and many of them spoke to me about them. The Finnish delegates were especially disturbed that the United States could act as it did in the Mackie case. They refer to him as a refugee from America.

Newspaper comment in Finland has been outright insulting toward the United States, as they make fun of our claim to power, dignity, and respect for the individual. These are not Communist or Communist-line newspapers, either. One of these columnists wrote in the Paivan Sanomat—Daily Dispatch—an organ of the Social-Democrat Party:

He [Mackie] has been declared an undesirable citizen; he has been accused of communism by McCarthyites; President Eisenhower rejected his appeal; and now he is here—a man without papers or chattels—a penniless refugee in a borrowed coat amidst wintry frosts and blizzards.

Mr. President, that is a typical Finnish editorial. That is a typical Finnish reaction. This case has done us irreparable damage. This case is a horrible example of a miscarriage of justice in the United States. We have not only an opportunity but I believe a moral obligation to right this wrong, to change this impression of the United States abroad, to admit that we are in error in the handling of this case; bring him back to the United States, and put him under surveillance, if necessary, and to bring to an end the cruel and inhuman treatment of which the United States stands convicted in public opinion in many parts of the world in respect to these two cases.

The newspaper goes on to say:

That is enough of human fate. And yet he comes of a country said to be of the free world, especially the promised land of personal freedom. After this, who can believe in their pretty slogans and respect for the individual? These are hollow phraseology, intended to cover the truth. * * * Freedom there is questionable, although it is used as a decoy to gain friends. In this case, anyhow, the truth is stronger and more cruel than fiction.

I ask unanimous consent that the translation by Mr. S. Syvanen of Astoria, Oreg., of this entire column which appeared in the Paivan Sanomat of November 23, 1960, be included in the CONGRESSIONAL RECORD.

There being no objection, the translation was ordered to be printed in the RECORD, as follows:

THE MAN IN TORNI

(Excerpts from Eskonen's column in the Paivan Sanomat (Daily Dispatch), organ of the opposition group (non-Communist) of the Social-Democratic Party. Issue of November 23, 1960)

(The man) William Mackie, originally Viljo Albert Niukkanen sits in the lobby of Hotel Torni writing letters to send across the Atlantic. From there a great power, called the advance guard of the free world, rushed him here to the barren soil of the north, where he happened to be born some time during the first decade of our century. His parents were U.S. citizens, but the son could not get citizen's rights, regardless of decades of trying.

After all he has sacrificed his labor power in building that great country and, during those years, fought—arms in hand—for its defense. His brother was killed in the war for America (at Wake Island); his father is over 80 and sorely needs the support of his son, but none of these facts have helped William Mackie. He has been declared an undesirable citizen; he has been accused of Communism by McCarthyites; President Eisenhower rejected his appeal, and now he is here—a man without papers or chattels—a penniless refugee in a borrowed coat amidst wintry frosts and blizzards.

That is enough of human fate. And yet he comes of a country, said to be of the free world, especially the promised land of personal freedom. After this, who can believe in their pretty slogans and respect for the individual? These are hollow phraseology, intended to cover the truth.

Mackie, alias Niukkanen, has denied he is a Communist. But what's the difference? With this brand on his forehead, immigration officials believe in it, and deportation followed.

And even if Niukkanen were a Communist, could this be a defense for the American way of life, for immigration officials, for President Eisenhower? Not according to our way of thinking. Freedom of thought is one of the basic, inalienable human rights, no matter how much effort for its suppression has been made and still is, all over the world. More glaringly absurd is such persecution of opinion in a country which declares itself to be the model of all liberty, and which is said to be the opposite pole to everything antiliberty.

Even more absurd such persecution seems when it is known that Communists in America have very little influence and possibilities to work out their program.

So we must conclude that the country, guilty of deporting Niukkanen, is hardly more democratic than a fully cultivated dictatorship. Individual freedom there is questionable, although it is used as a decoy to gain friends. In this case, anyhow, the truth is stronger and more cruel than fiction. The man is (in Torni) a living evidence of this.

Mr. MORSE. Mr. President, similar sentiments about the United States were expressed in another Finnish newspaper which represents the Social Democrats, this time the right wing of that party. This editorial, written by Ville Vaitelias in the Suomen Sosialidemoskraatti of November 21, 1960, is very similar, so far as its political reputation is concerned, to the Republican editorials published in my State protesting this case.

The editorial from the right wing of the Finnish journalistic profession begins:

Freedom in the great western power behind the puddle is esteemed so dear that it cannot be afforded to quite everybody. Some Finnish-born house painter might be a person of such insignificance that an exception must be taken in his case, so that the others will understand the value of their freedom.

That is a sarcastic editorial. It might be described as an editorial that jeers America. I favor following a course of action in these cases which will produce editorials that will cheer America, instead of jeer at it.

Mr. President, I ask unanimous consent that the remainder of the article be printed at this point in the RECORD.

There being no objection, the remainder of the article was ordered to be printed in the RECORD, as follows:

COMMUNIST HYSTERIA

(Comment by Columnist Ville Vaitelias in the Suomen Sosialidemoskraatti, November 21, 1960.)

No matter if this painter has resided in the United States since he was 8 months old—51 years—giving the full weight of his

labor to the best of his ability to his homeland, for the good of the United States, serving with all his strength in his country's defense forces during World War II, and otherwise acknowledging and feeling the United States of America to be his only and real homeland.

And so it happened to William Mackie, whose Finnish name is Viljo Niukkanen, that some highly placed American officials found him as an undesirable person. They investigated and pondered what to do with a guy like this; and lo and behold discovered this rascal, William Mackie, during the years of great unemployment had been a member in organizations which sought for living rights for the unemployed, and plainly a Communist. It would very likely overthrow the entire American freedom system if such revolutionary person were allowed to remain in his sweet homeland, the United States of America. Thus, his one-way free ride to Finland, whose citizen he is acknowledged to be by some indefinite paragraphs, and where there are many other Communists.

And there is no help in trying to fight; in protestations that one never belonged to Communists; no pleas have helped in the situation.

Of course we understand that a country's laws must be followed. If according to the laws, William Niukkanen really must be deported, what else can be done. But according to our judgment the case, by no means, is self-evident, for it is dependent on high officials deliberations whether to let William stay or deport him to faraway land of his birth, where he has no known relations, nobody he knows and whose language he doesn't understand.

One would surmise that a great power for reasons of prestige would try to avoid such an unpleasant hubbub as is raised in the case of William Niukkanen, and which in all likelihood will not quiet down in the near future.

It is quite impossible for us to understand the Communist hysteria still seeming to prevail in America. Workers' political movement in the country is almost nonexistent; there are apparently but a handful of Communists and these are feared as the plague. It seems that the capitalists, nor their henchmen can set communism in proper threads. It is proclaimed as the incarnation of all evil and crime, or, going to the other extreme as high idealism—as is done by one son of the bourgeoise, Jussi Talvi, in his last published novel. In both cases the same phenomenon is involved—Communist hysteria. It is not understood that the roots of communism are imbedded in quite basic human needs, which must be satisfied—but also can be directed and transformed, if desiring to do so.

After all the important thing to do is to take matters calmly, here in Finland—as well as behind the puddle. Under hysteria, only foolish deeds are committed, as evidenced in the typical case of William Niukkanen.

Translator's note: The right wing of the Finnish Social Democratic Party—this is from their paper—is allied with Finland's conservatives of the Kokoomus Party.

"Puddle" refers to the Atlantic Ocean.

Mr. MORSE. Mr. President, another Finnish newspaper called our action barbaric, and said there had been a very strong reaction in Finland to the news of the deportation. It called that action a severe blow to the prestige of the United States of America.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Lawyers for Two Deportees Plan to Continue Efforts," published in the Portland Oregonian of November 19, 1960.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAWYERS FOR TWO DEPORTEES PLAN TO CONTINUE EFFORTS

Attorneys for William A. Mackie and Hamish Scott MacKay—Gerald A. Robinson and Nels Peterson—announced Friday that deportation will not conclude their own efforts to bring them back to America.

Robinson said, "We will do it someway, either under this law, under private bills in Congress or changing of the law (Walter-McCarran Act) itself."

MacKay and Mackie's deportations Friday climaxed more than a decade of effort by the U.S. Immigration Service, following the law which says that any person who has been a member of the Communist Party is deportable.

ACTION STARTED IN 1952

First proceedings were begun against Mackie on June 17, 1952, charging him with membership from 1937 to 1940.

First section against MacKay was August 29, 1949, and he was charged with membership in the Communist Party from 1936 to 1941.

Both men have steadfastly denied they were Communists or had ever advocated any overthrow of the Government, but they admitted to membership in the Workers' Alliance, an organization they said was working for unemployment relief. MacKay was in the National Guard. Mackie in the Army. Neither applied for naturalization until it was too late.

MacKay, born in Canada, came to the United States more than 30 years ago, when he was 21. Mackie, born in Viipuri, Finland, while his parents were back there on a visit, was brought to Portland when he was 10 months old.

FINNISH NAME "WILLIA"

His Finnish name is really William Niukkanen, mistakenly written without the "m" on immigration entry records. Thus on deportation records he is known as Willia Niukkanen. He and his father have always used the name Mackie here. Mackie will be 52 Thanksgiving Day, Thursday.

He will arrive in Finland sometime Saturday or early Sunday.

Finnish newspapers have reported considerable public indignation over what they have termed the barbaric action of the U.S. Immigration Service.

FINLAND WON'T ACT

The Kansan Uutiset, a Helsinki, Finland, newspaper reported by cable Thursday night that the Finnish President because of the Constitution cannot bar Mackie's entry. The newspaper, one of two in that city which had urged some action to thwart what was called barbaric action on the part of the U.S. Immigration Service, said Thursday there has been very strong reaction there to news of the deportation and called it a "severe blow to prestige of the United States."

No word has ever been received here of any Canadian action to bar McKay, although that government did so in one recent case of a Seattle woman, born in Victoria, who was then ordered deported to England.

Mr. MORSE. Mr. President, one of the most remarkable aspects of these cases is the outcry that went up in my State over the affair. They are not simply a cause celebre of the radical fringe which always tries to make America look bad, no matter what it does.

Instead, the action of the Government is being protested by the whole community of our State. It is recognized that these two men are no threat to anyone's security. On the contrary, they are very much needed in Portland, Oreg., for the economic security of their own families. They have been accepted in the normal activities of the Portland area and in their business associations in the city of Portland. Editors, clergymen, chamber of commerce leaders, Republicans, Democrats, and parents' groups have all stood up to be counted in protest to this action by our Government.

If anything, newspaper reaction in Oregon has been about as acid as it has been in other countries. I ask unanimous consent to have printed at this point in the RECORD editorials from the Oregon Statesman, the Coos Bay World, the Capital Press, the Astorian Budget, and the Oregonian.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Oregon Statesman, May 17, 1960]

Senator WAYNE MORSE has introduced a bill to make it possible for William Niukannen, Portland house painter under order for deportation, to remain in the United States. Niukannen was charged with Communist association which he denied. He was only an infant when brought to this country from Finland, so whatever guilt he has accumulated is strictly American, not absorbed in his native country. The Morse bill should pass. In fact it should be broadened to limit deportations to those who had reached the age of discretion at the time of entry.

[From the Coos Bay World, Oct. 27, 1960]

OPPORTUNITY FOR MERCY

Portlanders William A. Mackie and Hamish Scott MacKay may, in the end, be deported to Finland and Canada, respectively, but their case has provided a marvelous example of bureaucratic indifference to sensibilities and logic, and has called forth the support of many people in both high and low places.

Both men have lived in this country for many years—the Finn since he was a few months old (he's now 51), and the Canadian since 1928. Both men attended several meetings of a Communist-front organization in the 1930's, as did a lot of men and women who'd now rather forget about it, and because of this activity they are ordered deported by the Immigration and Naturalization Service, and they've about run out of redress in the Federal courts.

Senator MORSE introduced a bill to permit them to stay in the last session of Congress, but the bill didn't have time to go through. He'll try again next January, if he's permitted that much time.

A number of pleas for Executive clemency have been made to President Eisenhower. This is the ideal type of case by which an executive can utilize the power of mercy given him by his office. We hope the President can see his way clear to do so in the case of Mackie and MacKay.

Letters and telegrams to the President, at the White House in Washington, might be helpful at this time.

[From the Astorian Budget, Nov. 11, 1960]

ACTION NEEDED

There should be administrative action at Washington to prevent the deportation of H. S. MacKay and William A. Mackie from Portland to Canada and Finland respectively, since their case has drawn so much attention and created so much public doubt whether these men deserve deportation.

Evidently there is no recourse in the courts for the two men. Every legal method to prevent deportation seems to have been tried.

The worst that has been proved against the two is that once, years ago, they belonged to Communist front organizations. There is considerable evidence that they both long ago eschewed communism.

It is noteworthy that the newspapers in Finland, to which country Mackie is to be deported, have taken interest in his case, and call the action of the U.S. Immigration Service barbaric.

[From the Oregonian, Nov. 19, 1960]

LAW AT FAULT

"If the law supposes that," said Mr. Bumble, "the law is a ass, a idiot."

Dickens' line might be applied to the prolonged cases of Hamish MacKay and William Mackie, which came to an end this week with their forcible deportation to Canada and Finland, respectively.

We do not weep for MacKay and Mackie. The record is clear that they were deeply involved in the 1930's in the Communist conspiracy. They knew what they were doing. The courts have, through all levels including the U.S. Supreme Court, affirmed their meaningful association with the Communist Party. They have had every benefit, in detail, of the due process of law over the past decade. There is reason for official belief that they have not substantially altered their loyalties.

Although there are extenuating circumstances in each case, both are aliens and have chosen to remain so during long residence in this country. MacKay was born in Canada shortly after his parents moved from the United States, and applied for Canadian citizenship. Mackie was born in Finland during a brief visit there by his parents, who did not have U.S. citizenship though they considered themselves residents of America.

The offense, in each case, based on law dating from 1918, involved the combination of lack of citizenship and membership in the Communist Party. Such offense is punishable by deportation to country of origin. It has, with respect to both MacKay and Mackie, been adequately proved.

But these facts do not alter the certainty that the execution of the law in these cases will substantially damage the image of America in the eyes of the world.

It suggests that the Nation that leads the free world is so fearful of its security that it must expel two insignificant men, one of whom once wrote on Portland sidewalks "Join the Communist Party" and the other of whom distributed copies of a Communist-front newspaper. We are not actually so timid, of course; we tolerate thousands of persons who did things as subversive as did MacKay and Mackie, but they have the protection of citizenship.

It suggests that American liberty is not all it has been cracked up to be, else why would we have laws in which the punishment appears so incongruous in relation to the offense?

Unfortunately, we have not heard the last of these men and their problems. Each will remain, in his new abode, a symbol of the inflexibility of U.S. law. Their Canadian and Finnish neighbors may well ask themselves: "Why, if this man is so dangerous to America, should we thank America for sending him to us?"

An answer of sorts to that question should come with the amendment of the law responsible for the whole disgraceful business. It is, to paraphrase Mr. Bumble, idiotic to bind ourselves with a law which in its execution makes our country appear so ridiculous, not only to observers abroad, but also to those Americans who cherish the spirit of liberty and tolerance that brought this Nation into being.

[From the Capital Press, Nov. 25, 1960]

UNJUST DEPORTATIONS

The deportation from the United States of William A. Mackie, Portland housepainter, and Hamish Scott MacKay, Portland carpenter, both foreign-born, will stand as an indictment against the United States until it is reversed.

The deportation is a carryover from the principles of McCarthyism that a man accused of being a Communist becomes ineligible for justice tempered with mercy.

Mackie and MacKay, during the depression 1930's, joined organizations which held out hopes for desperate, crushed people that there was a Utopia. Many people joined such organizations, much as many others joined Townsend plan groups, with the thought only of helping themselves and others out of straitened circumstances. Even in instances where such groups were controlled by Communists, many of the members intended no disloyalty to the United States.

But past membership in such an organization, regardless of the circumstances of that time and regardless of an individual's demonstrated loyalty to the United States, still makes a foreign-born resident subject to deportation. It was under the strictest interpretation of this rule that the U.S. Immigration Service was able to send Mackie back to Finland (where he spent only his infancy) and will be able to send MacKay back to Canada this weekend.

The legal technicalities of this basically unfair and inhumane decision to uproot two men from their families and their life's work, on the legal pretext that they are dangerous to American society, will be lost upon the people of the world, as indeed they are lost upon a great many American citizens. The impression will be created, and correctly so, that American Government, in this instance at least, does not exist for the protection of the people, but for their persecution.

This affair may yet have a happy ending, fortunately. Senator WAYNE L. MORSE has promised to submit legislation to the Congress convening in January which will reverse these unjust deportations and bring back two good American citizens to where they belong.

Mr. MORSE. Mr. President, the editor of the Oregon Statesman is a political opponent of mine, but he is a distinguished Oregonian, a great citizen of my State, a former Republican Governor of my State, and one of the recognized leaders of the Republican Party in my State. He has raised his voice as well as taken his pen in hand to protest this shocking injustice.

Mr. President, it is my hope that the Committee on the Judiciary and its Subcommittee on Immigration will give prompt and favorable consideration to these bills. I do not think it is at all amiss for me to take this opportunity to express my appreciation to the chairman of the Committee on the Judiciary, the distinguished Senator from Mississippi [Mr. EASTLAND]. The other day I told him I planned to introduce these bills and that they would come before his committee. I said I hoped I could have early hearings on them.

He urged me to introduce the bills. He said he did not know very much about the MacKay case, but that he recalled very distinctly last November reading in the press about the Mackie case. He said he was very much surprised, on the basis of the statement of facts published concerning the Mackie case, that Mackie had been deported. He assured me that very thorough consideration would be given to my two bills, because, he said, if injustice has been done, it ought to be righted.

I want the Senator from Mississippi to have this public acknowledgment of my appreciation of the fairness with which he received my presentation to him in conference the other day about my great concern over these two cases.

Mr. President, I have spoken at greater length than I had intended to speak, but I have done so because I well know how important it is, in view of the tremendous schedule which confronts every committee of the Senate, including the Judiciary Committee, to have what, in a very real sense, might be considered a minor or subordinate matter sort of shunted to one side, while we proceed with great questions of public policy and affairs of state. But I wish to stress once more that I know of no affair of state more important to the maintenance of a vital democracy than an affair of state which seeks to right an injustice to a single individual, I care not how lowly he may be.

In my opinion, these two cases present such an atrocious example of injustice that they should be handled quickly by the Senate and promptly sent to the House for action on the legislative front.

Mr. President, I now introduce for appropriate reference two bills, one dealing with the MacKay case and one dealing with the Mackie case. In these bills I seek to provide that these two deportees be returned to the United States and that they be placed in the same status in which they were prior to their deportation. That does not mean—and I stress this point—that the bills give them clearance; that the bills in any way estop the Government from exercising further jurisdiction over the individuals. All the bills do is to set aside the deportation. If proof can be adduced that in any way these two persons are a threat to the security of our land, then I say: Put them under surveillance.

In due course of time, under a new administration, I shall seek to call the cases to the attention of the new President of the United States, because my relationship at the White House, under the new administration, will be somewhat different from what it has been during the past eight years.

I shall endeavor to make that representation to the President of the United States in person, because I believe the new President should have called to his personal attention what, in my opinion, is a shocking example of man's inhumanity to man practiced by the United States Government in respect to these two cases.

Mr. President, may it be understood that my request to introduce the bills also includes a request that they be printed in the RECORD at the opening of my statement?

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH AND SOCIAL SECURITY FOR THE AMERICAN PEOPLE

Mr. HARTKE. Mr. President, a group of distinguished Americans, experts on

the problems of medical care and its costs, yesterday presented to President-elect John F. Kennedy a timely report on health and social security for the American people.

This task force, headed by Prof. Wilbur J. Cohen, of the University of Michigan, a preeminent figure in the social-welfare field, joined the growing list of those who, after careful study and consideration, have come to the conclusion that financing medical care for the aged can be done most soundly through social security.

Right now some 2,500 Americans have concluded the White House Conference on Aging considering similar proposals as have been made by President-elect Kennedy's task force.

All of this is a valuable contribution to the store of knowledge we need to adopt adequate legislation to solve this severe medical problem of our senior citizens.

Because of the wide interest in this subject, and in the report of the task force, I ask unanimous consent that the text of the report be printed in the body of the RECORD at the conclusion of my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HEALTH AND SOCIAL SECURITY FOR THE AMERICAN PEOPLE

An adequate standard of health and welfare for all of the American people requires the leadership and support of the Federal Government.

The American people have recognized and accepted the responsibility of the Federal Government to help improve health and welfare services. This principle requires effective implementation in 1961.

The task force has confined itself to the most immediate necessities for Federal action and does not present its recommendations as a complete program for health and welfare. We have been deeply conscious of the need for selectivity in the light of the cost of such proposals in relation to the other imperative and immediate fiscal and administrative demands upon the Federal Government. We have also been concerned about the most effective and practical methods of meeting these costs and are proposing fiscally sound methods to achieve the desired objectives. Our proposals place a major reliance on the self-financing methods of contributory social insurance and repayable loans supplemented only where clearly necessary by funds from the general revenues.

A. MEDICAL AND HEALTH PROGRAMS

The United States can be proud of its remarkable and continually improving health and medical care personnel, facilities, and programs. Yet, in our country there are still significant medical care needs which can and should be met and which can only be met if the Federal Government takes a more vigorous role in the financing, organization and stimulation of health and medical care.

1. Medical care for the aged and other social security beneficiaries

The only sound and practical way of meeting the health needs of most older people is through the contributory social security system. This system permits people to contribute during their working years to the relatively heavy costs of medical care in their later years. Full freedom in the choice of qualified physicians and medical facilities would be assured. The proposal uses the tried and tested insurance method of payment for hospital and medical care with which millions of Americans of working age are familiar through Blue Cross and other private insurance. The same general considerations apply to widows, surviving children, and permanently disabled persons who are receiving social security payments.

Scope of Medical Care Benefits

Hospital and related institutional costs place such an impossible heavy financial burden on these groups of people that these costs should receive the major emphasis in any program. Moreover, the hospital is increasingly becoming the center of health activities in the community—as it should be. But at the same time the plan should include incentives to use appropriate alternative personnel and facilities of a less costly and noninstitutional character.

The essential benefits in any such program at this time should include: (1) inpatient hospital services, (2) outpatient hospital diagnostic services, (3) skilled nursing home services, and (4) home health services, such as visiting nurse services.

The inpatient and outpatient hospital services would be effective approximately 1 year after enactment of the legislation. To give time to make necessary arrangements skilled nursing services and home health services would be available 2 years after enactment. By including in the legislation provisions which would give an individual two units of skilled nursing home service for 1 day of hospital service and adequate home health services there would be an incentive to use these out-of-hospital services.

There are those who contend that there are not sufficient personnel and facilities to make it feasible to put this program into effect at this time. Certainly, incentives should be created for the establishment of additional personnel and facilities as recommended subsequently in this report. But this should not be a reason for delay in instituting an insurance program. One of the most important ways in which personnel and facilities are stimulated and more equitably distributed is by providing a mechanism for paying for such services. Assurance of continued financial support for services is one of the key elements in the development of personnel and facilities.

Administration of Medical Care Program

The legislation would clearly provide that—

(1) In no way will any of its provisions socialize medical care;

(2) Free choice of physician, hospital, and nursing home are assured to every individual by law;

(3) There would be no supervision or control over the practice of medicine;

(4) Providers of service would be paid on the basis of reasonable cost as may be mutually agreed to by the provider of service and the Secretary of Health, Education, and Welfare, and any agreement could be terminated upon notice by either party;

(5) Providers of service could designate an agent to negotiate arrangements with the Federal Government;

(6) A national advisory council would be established including outstanding persons in the hospital and health fields. The council would be consulted in the development of policy and regulations in the administration of the program.

(7) General definitions for participating hospitals, skilled nursing homes, and agencies providing home health services would be indicated in the statute. The Secretary should be authorized to use appropriate State agencies in determining whether a particular hospital, skilled nursing home, or home health agency meets the definition for participation.

Financing of the medical care program

The cost of the medical care benefits should be fully financed by contributions to the insurance system. The costs of various alternatives are shown in table 1.

A plan which involved initial contributions of about 0.5 percent of taxable payrolls (one-quarter percent each on employers and employees) during the first 5 to 10 years and then stepped-up contributions to about 0.8 percent (0.4 percent on each party) would permit the development of a reasonably adequate benefit program consistent with a consideration of the financial effect of the new contributions on the contributors and the economy.

TABLE 1.—*Estimates of early year [1] and level premium cost [2] for the Anderson-Kennedy amendment of 1960 and various suggested modifications as a percent of taxable payrolls*

Specifications of medical insurance plan	Early year costs with taxable earnings base of—		Level premium costs with taxable earnings base of—	
	$4,800	$7,200	$4,800	$7,200
A. Anderson-Kennedy amendment [3]	0.39	0.34	0.58	0.53
B. Anderson-Kennedy amendment with elimination of $75 deductible	.47	.41	.72	.65
C. Anderson-Kennedy amendment in (A) plus eligibility at age 65/62	.53	.46	.73	.66
D. Anderson-Kennedy amendment in (A) plus eligibility at age 65/62 and elimination of $75 deductible	.64	.56	.91	.83
E. Anderson-Kennedy amendment in (C) plus survivors and disabled beneficiaries	.57	.50	.77	.70
F. Anderson-Kennedy amendment in (D) plus survivors and disabled beneficiaries	.69	.61	.96	.88

[1] Early year costs are defined as the costs for the year 1962 assuming all features of the program are fully operative for the entire year.

[2] Level premium cost is the average cost for the long run.

[3] As offered in the Senate, August 1960. The amendment included insured persons age 68 and over.

Source: Chief actuary, Social Security Administration, Jan. 5, 1961. The estimates differ slightly from those used in mid-1960 due in part to the 1960 changes in the OASDI program and some revisions in the assumptions.

The contributory insurance system should be authorized to provide funds for—

(1) Community demonstration projects relating to the development of personnel and facilities to meet the health needs of individuals under the program;

(2) Community projects on the means to increase the adequacy of personnel and facilities;

(3) Consultative services to the States looking toward methods for helping develop adequate facilities within each State, and bringing their services and their facilities up to needed levels of performance.

The Secretary should make recommendations to the President and the Congress to encourage the development of economical and appropriate forms of health care which are a constructive alternative to hospitalization.

Coverage of aged not insured under social security

Many of the noninsured aged are already protected under other existing programs. Thus, under recently enacted provisions of law Federal civil service annuitants will soon have medical care protection. Veterans who are eligible for veterans' pension or compensation are entitled to hospitalization. Accompanying legislation can be enacted by Congress so that railroad retirement annuitants will have benefits no less favorable than social security beneficaries. The small remaining group can be taken care of by the States under the new program of

medical assistance to the aged. Enactment of the medical insurance plan will relieve the States of a substantial long-run cost involving probably more than $300 million annually. If experience demonstrates that the existing financial or other plan provisions of the Federal medical assistance legislation are not adequate to meet this residual need, then further Federal legislation can and should be enacted as the need is demonstrated.

The benefit, financing, administrative, and other implications and alternatives in this program have been discussed with the Commissioner of Social Security. The details of a sound and workable plan consistent with the above program are in the process of completion by the Commissioner for the consideration and appropriate action of the incoming Secretary of Health, Education, and Welfare.

2. Medical education and medical manpower

In order to achieve the administration's objective with respect to medical care for the aged as well as the health of the population as a whole, it is essential that the Federal Government take prompt action to increase the supply of medical and other health personnel including physicians, dentists, nurses, public health personnel, and social workers. It is a matter of national concern that according to the Bane report to the Surgeon General 40 percent of all medical students come from the 8 percent of the families with the highest incomes.

A program for medical education and medical manpower should consist of the following interdependent components which are listed in the order of urgency:

1. Federal support for maintenance and expansion of educational activities in the health field consisting of—

(a) A program for the basic suport of operating costs to maintain these institutions.

(b) A program which would give institutions an incentive to expand the training of personnel.

This part of the program would involve Federal expenditures of approximately $10 to $20 million in the first year.

2. Federal aid for the construction of new educational facilities and renovation and expansion of existing facilities for the purpose of increasing the numbers of persons being trained in these fields.

This would consist of—

(a) Planning grants to institutions to achieve these objectives ($400,000).

(b) Alteration of existing facilities for expansion ($25 million for first year).

(c) New construction of facilities including expansion of existing schools and establishment of new ones. Within this category, with regard to physican training, priority should be given to expansion of existing schools and the establishment of new 2-year schools. (The Federal commitment would be about $25 million for the first year but actual expenditures would be substantially less.)

3. Federal grants to institutions for scholarships and fellowships for students. This would involve Federal expenditures of about $10 to $20 million for the first year. These educational grants should be available to students so they could attend a medical school without regard to residence or other arbitrary restrictions not related to the ability of the applicant.

The program recommended by the task force would involve Federal funds of about $70 to $90 million in the first year. The cost will increase to about $270 million by the fourth year and is likely to remain at approximately that level. This is only about one-half of the existing research grant program of the National Institutes of Health. The expenditure of these sums is essential for national growth and effective performance.

3. Medical research

The needs for medical research and research education have been admirably documented in the report to the Senate Committee on Appropriations of the Committee of Consultants on Medical Research under the chairmanship of Boisfeuillet Jones. The principles and recommendations in the Jones report would well serve as a longer-run guide to policy and appropriations in this field.

Federal support of the direct costs of medical research should be continued at approximately its present level for the next fiscal year. However, the educational and research activities of institutions receiving grants from the National Institutes of Health are handicapped at the present time by the limitation in the appropriation act on indirect costs. This limitation now at 15 percent of the direct cost does not cover the actual indirect expenses. This acts as a deterrent to new research and reduces the available institutional funds for educational purposes. The Federal Government as it does in other grants for research, should realistically meet the total costs of the research for which it makes grants through the National Institutes of Health. The first year cost would be about $20 million additional if this policy were applied to initial and renewed research grants only. The longer-run cost of this policy would be about $50 million annually.

4. Medical care facilities

The proposed medical care for the aged program will require additional facilities to be constructed over a period of time. The Hill-Burton hospital construction program has resulted in a significant increase in hospital beds, especially in small communities. There still remains, however, a substantial need for the construction and renovation of kinds of facilities required for the care of the older age group, especially in urban areas.

The first emphasis should be given to the following components in a program for facilities expansion:

(a) An increase in existing Federal grants under the Hill-Burton Act for facilities for long-term care including public and nonprofit skilled nursing home and other chronic disease facilities ($10 million annual increase).

(b) Long-term low-interest Federal loans for construction, renovation, and expansion of nonprofit hospitals and nursing homes according to approved State plans ($100 million annually). A combination of loans and grants should be permitted.

(c) Long-term low-interest Federal loans for construction, renovation or expansion of facilities for medical group practice and group practice agencies or organizations (direct to the groups or agencies concerned, without the intervention of States) ($5 million annually).

An exploration should be made of possible ways in which existing legislation relating to loans to proprietary skilled nursing homes under the Small Business Administration could be amended to increase the proportion of cost guaranteed up to 95 percent provided the homes met the standards of construction and continued operation prescribed by the U.S. Public Health Service as a part of a State plan.

The Secretary and the Surgeon General should take the leadership and initiative within existing legislation to encourage the development of outpatient diagnostic and treatment programs. Expansion of services in this setting will be of great importance to the successful operation of the medical care program for the aged.

5. Establishment of a National Academy of Health

The President should take the necessary steps to arrange for the establishment of a National Academy of Health comparable to the National Academy of Sciences. The purpose of such a nongovernmental, independent Academy would be twofold:

(a) To recognize and honor the significant achievements of leaders in health research, teaching, care, and administration, and

(b) To insure a continuing body of recognized integrity, responsibility of purpose, and breadth of competence for advice to the Government and the public on questions affecting health.

6. Creation of a National Institute of Child Health

As an important new step in a broader program for the improvement in family and child health and welfare services, the Surgeon General, with the approval of the Secretary, should, by administrative action, establish a National Institute of Child Health within the National Institutes of Health. Such action would recognize the administration's concern not only with the welfare of aged, but with its children and youth.

The establishment of the National Institute of Child Health would not require additional Federal expenditures for research for the fiscal year 1962. An allocation from existing funds should be made for an initial administrative organization. Subsequent allocations of funds would be included within the budget of the National Institutes of Health.

The high incidence of mental disease, the terrifying problems of juvenile delinquency, the burden on family and community resources for the care of the mentally retarded, all attest to the need for a concentrated attack on problems of the development of the child. Research into the physical, intellectual, and emotional growth of the child is at present severely handicapped by the absence of a central focus for research that exists in other fields such as heart disease and cancer. Within this Institute will be concentrated research workers in the fields of genetics, obstetrics, psychology, and pediatrics as well as basic scientists who will channel their efforts into the study of the normal processes of human maturation from conception through adolescence.

Such a research program will have a profound impact on the medical care and practice in this Nation by emphasizing the care of the whole individual rather than the fragmentation of the patient into particular diseases. The research grants from this Institute will stimulate programs necessary to ascertain those genetic and environmental factors that lead to the development of a physically and mentally healthy adult. Such an institute should help bring to each child of this Nation—normal, gifted, or retarded—complete fulfillment of his true potential.

B. SERVICES TO FAMILIES, CHILDREN, AND OLDER PERSONS

A nation's strength lies in the well-being of its people: families, children, and older persons. Welfare services support this well-being in times of stress and constitute, therefore, an essential part of any effective social security program. It seems appropriate after 25 years that the welfare grant-in-aid provisions of the Social Security Act, especially those involving families and children, be reexamined to determine how they can be made more adequate to meet current social and economic needs. The following specific recommendations in this section are made with this objective in mind.

7. Assistance to children of an unemployed parent

In order to meet the growing emergency needs of families affected by unemployment a temporary provision (until June 30, 1962) should be added to title IV of the Social Security Act which would authorize the inclusion of children in need because of the

unemployment of a parent among those eligible for aid to dependent children. The provision would be temporary pending the development of the plan proposed in recommendations 8 and 12.

8. Preparation of a family and child welfare services plan

The Secreary of Health, Education, and Welfare should be requested to develop for submission to the President and the Congress, prior to the expiration of the temporary amendment to aid to dependent children, a family and child welfare services plan which would bring together in one program the resources of Federal aid to the States under the Social Security Act for assistance and social services to needy families and children and community social services in such areas as juvenile delinquency prevention, services to the aging, and other related programs designed to strengthen community life. This would not affect titles I and X of the Social Security Act relating to the aged and the blind, respectively.

9. Strengthening and streamlining administrative organization

The strengthening of services to families, children, and older persons also could be advanced through administrative action looking to a more effective organization within the Department of Health, Education, and Welfare. The following suggestions should be explored:

(a) Elevation of the Children's Bureau from its present location within the Social Security Administration to the Secretary's office to serve its original purpose as a staff agency concerned with all the problems of child life and the promotion of new programs to meet them rather than with program operation.

(b) Designation of the special staff on aging as an Office of Aging to advise and assist the Secretary in a similar role with respect to the problems of older persons. This office would not carry any administrative functions.

(c) Creation of an Institute of Family and Child Welfare Research associated with the Social Security Administration to combine the present research and demonstration functions enacted in 1956 and now vested in the Social Security Administration, including those of the Children's Bureau in the child welfare field.

(d) Transfer of the administration of the maternal and child health and crippled children grant programs to the Public Health Service.

(e) Transfer of the administration of the child welfare services program to the Social Security Commissioner pending the development of the combined family and child welfare services plan recommended in the task force report.

This plan would combine the advantages of assuring spokesmen for the needs of children and older persons at the top level of policy decision in the Department of Health, Education, and Welfare with those implicit in a comprehensive approach to research, health, and welfare services at the operational level. (See also related recommendations 6 and 12.)

It appears that no new legislation would be required to carry out these administrative suggestions since all program responsibilities are now vested in the Secretary of Health, Education, and Welfare and he is empowered to carry them out as he sees fit.

WALTER H. "SKEET" HUNT

Mr. EASTLAND. Mr. President, I sadly announce to the many friends of Walter H. "Skeet" Hunt that "Skeet" passed away at 10 o'clock this morning at his home in Biloxi, Miss.

For the new Senate Members, I think that they would like to know that "Skeet" Hunt was one of the most beloved employees the Senate of the United States ever had. He first came to the Senate in 1933, under the sponsorship of Senator Pat Harrison, as a private on the police force. He became a lieutenant on the police force and for many years was special officer of the Senate, until he was forced to retire by reason of health in 1959, ending 26 years of faithful service to the Senate.

All of the older Senators will remember "Skeet" for his good spirits, for his minstrel songs, for his comedy, and as a great chef.

In addition, Mr. President, he was a man of extreme loyalty and of unimpeachable integrity. "Skeet" was a great man in any way one considered him.

His specialty, as Members will recall, was cooking the shrimp and the other seafood from his native Biloxi.

Services for "Skeet" will be held at the Church of the Nativity in Biloxi at 3 o'clock Sunday afternoon.

ADJOURNMENT TO TUESDAY, JANUARY 17, 1961

Mr. KEATING. Mr. President, apparently there is no other Senator who desires recognition. I move, pursuant to the previous order, that the Senate stand in adjournment until Tuesday next at 12 o'clock noon.

The motion was agreed to; and (at 3 o'clock and 27 minutes p.m.) the Senate adjourned, pursuant to the order previously entered, until Tuesday, January 17, 1961, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 13, 1961:

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of brigadier general, subject to qualification therefor as provided by law:

Richard A. Evans.
Robert B. Bell.

FEDERAL POWER COMMISSION

Paul A. Sweeney, of Maryland, to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1963, to which office he was appointed during the recess of the Senate.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 16, 1961

The House met at 12 o'clock noon.

Rabbi Arnold S. Turetsky, Congregation Ohev Tzedek, Youngstown, Ohio, offered the following prayer:

Eternal God, Father of all men, bless us with wisdom and courage to be Thine instruments in the creation of a free world, wherein none shall be master and none shall be slave, wherein all shall share the blessings of freedom.

Make us free, too, O God, that we may fulfill our mission.

Make us free from smugness and cold indifference.

Free from pride and the abuse of power.

Free from pettiness and unreasonable stubbornness.

Free from the sometimes poison of blind partisanship and self-interest.

Free from prejudice and colorblindness.

Free from all that is debasing in life, that we may never lose the vision of that day when weakness shall grow strong, and strength shall grow kind, and all men shall know themselves as the sons of God.

כי מלאה הארץ דעה את ה'
כמים לים מכסים.

Isaiah 11: 9.

When "the earth shall be filled with the knowledge of the Lord, as the waters that cover the sea."

THE JOURNAL

The Journal of the proceedings of Thursday, January 12, 1961, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

ADJOURNMENT UNTIL WEDNESDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT FROM WEDNESDAY UNTIL FRIDAY NEXT, AND FROM FRIDAY TO MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H. Res. 106) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That when the House adjourns on Wednesday, January 18, 1961, it stand adjourned until 11 a.m. Friday, January 20, 1961; that upon convening at that hour the House proceed to the east front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States; and that upon the conclusion of the ceremonies the House stand adjourned until Monday, January 23, 1961.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that immediately following the reading of the budget message from the President of the United States the gentleman from Missouri [Mr.